

A P P E A R A N C E S (CONT.)

Also present:

HSI Special Agent Edward Kelly
Victoria Kirchgessner, Spanish Interpreter
Marta Goldstein, Spanish Interpreter

Reported by:

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PROCEEDINGS OF APRIL 8, 2013

THE CLERK: All rise. The United States District Court for the District of Maryland is now in session, The Honorable William D. Quarles, Jr. presiding.

THE COURT: Good morning. Please be seated.

Please swear the interpreters.

(Oath administered.)

THE CLERK: Will you each state your name and the language you are speaking, please -- interpreting.

INTERPRETER KIRCHGESSNER: Thank you. Victoria Kirchgessner, Spanish interpreter. Good morning.

THE COURT: Good morning.

INTERPRETER GOLDSTEIN: Good morning. Marta Sofia Goldstein, federally-certified Spanish interpreter. Your Honor, good morning.

THE COURT: Good morning. Please call the case.

MR. CUNNINGHAM: Good morning, Judge Quarles. I call the case of *United States versus German Ventura and Kevin Fuertes*, Criminal Docket Number WDQ-10-0770. Michael Cunningham and Rachel Yasser for the United States, and we're here to conclude a motions hearing and then to begin a trial, Your Honor.

THE COURT: Mr. Cunningham, Ms. Yasser, good morning.

MS. YASSER: Good morning, Your Honor.

1 **MR. RUTER:** Your Honor, good morning. Gerald Ruter
2 on behalf of Mr. Ventura. He is seated to my left this
3 morning. Good morning.

4 **THE COURT:** Mr. Ruter, Mr. Ventura, good morning.

5 **MR. MONTEMARANO:** Good morning, Your Honor.
6 Michael Montemarano on behalf of Defendant Kevin Fuertes, who
7 sits next to me at the trial table.

8 **THE COURT:** Mr. Montemarano, Mr. Fuertes, good
9 morning.

10 All right. We will resume the motions hearing until
11 Jury calls and tells us we are ready, and then we will go into
12 jury selection.

13 Mr. Montemarano, you had indicated last week that
14 there were some Defense motions you had wanted to take up?

15 **MR. MONTEMARANO:** Yes, Your Honor. The Court's
16 indulgence just half a second.

17 In addition to the motions that I wanted to address
18 in terms of the Defense motions, which Mr. Ruter's also
19 adopted -- and, so the Court is clear, I think what I'm going
20 to be arguing today will be part and parcel adopted by
21 Mr. Ruter on behalf of Mr. Ventura.

22 **THE COURT:** And Mr. Ruter, I gather, will inform me
23 where there is a divergence?

24 **MR. RUTER:** I'm sorry, Your Honor?

25 **THE COURT:** You will inform me when there is a

1 divergence?

2 **MR. RUTER:** I shall. Thank you, sir.

3 **THE COURT:** Thank you.

4 **MR. MONTEMARANO:** I would invite the Court's
5 attention to our motion to -- well, let's start with the easy
6 one first. The Government has filed a response to my motions
7 requesting that the witness backgrounds be confirmed. They
8 believe that's, in essence, as I read their response, a bit
9 too much to expect of them.

10 My suggestion to the Court is that most of the
11 witnesses, other than law enforcement, not that law
12 enforcement suggests any necessary *imprimatur* of reliability
13 in light of some of the events in this district just within
14 the last year, Daniel Redd and Mark Lunsford, et al., but we
15 have many witnesses who are in custody who are illegals. We
16 don't know anything about their backgrounds, and I think that
17 suggesting that the Defense is asking for too much is simply
18 not merited based upon what I think is at least the clear
19 suggestion that these are people who are willing to break the
20 law, who have broken the law, and that we need to know a
21 little bit more about them than what they have done simply
22 here in Maryland.

23 **THE COURT:** I assume you have been supplied with
24 some impeachment evidence?

25 **MR. MONTEMARANO:** Very little, Your Honor. The "A"

1 files that we have gotten for some of these witnesses are a
2 lot of paper and not much meat. I guess we can suggest it
3 that way. There is just not very much there, and certainly
4 nothing the Defense has any means to investigate. We can't
5 subpoena the records which might underlie them. We can't
6 undertake independent investigations when we don't have enough
7 information about the backgrounds of these people.

8 Moving on --

9 **THE COURT:** Any ones that particularly agrieve you?

10 **MR. MONTEMARANO:** I would suggest -- and Mr. Ruter
11 is free to disagree with me; he probably has a better handle
12 on some of the later witnesses, but I would suggest I don't
13 think we know enough to even answer that question in a
14 competent fashion.

15 Gerry?

16 **MR. RUTER:** Your Honor, the two that I -- the three,
17 I would say, would be Mr. Ascencio, Mr. Campos, and Ms. Dueñas
18 Franco, which I believe will be three primary witnesses,
19 especially concerning the questions concerning the alleged use
20 of force or coercion or enticement.

21 Mr. Montemarano is correct. We have some documents
22 concerning their Immigration status. Several of them have
23 had -- received requests for extensions of their stay in this
24 country, notwithstanding the fact that they're here illegally,
25 so they can cooperate with the Federal Government. There are

1 some arrest records because some have been convicted --
2 arrested for prostitution, some convicted, and that is the
3 extent of the background information that we have.

4 It's not to suggest, though, Judge Quarles, that we
5 have any good faith belief that, while in Honduras or
6 El Salvador, where they originated from, that they had
7 committed the kinds of actions that may be discoverable here,
8 and I'm not suggesting that the Government has access to that
9 either. I can only tell the Court that, although, in the case
10 of the three individuals that we have lots of discovery
11 concerning, discovery in the form of interviews, I could
12 attest that I've never seen one question asked of any of those
13 witnesses as to their background information concerning prior
14 arrests and/or convictions, and I'm not suggesting there that
15 the Government attempted purposely to evade such questions.
16 They honed in on the prostitution case and also the
17 allegations of murder of Mr. Ramirez.

18 So that's the extent to which I can flesh out
19 co-counsel's statements.

20 **THE COURT:** Thank you.

21 Mr. Cunningham or Ms. Yasser?

22 **MR. CUNNINGHAM:** Your Honor, I guess I'd start by
23 sort of acknowledging an appreciation for Mr. Ruter's
24 statement that they had received lots of discovery. I
25 think -- and, frankly, Your Honor, the Government is going to

1 submit to you a Proposed Order regarding the protection of
2 disclosure because, given the volume of information that was
3 developed by law enforcement, we, I guess, effectively turned
4 over an external hard drive with over 200 gigabytes of
5 information on it relevant to the myriad interviews of people
6 and virtually every aspect of the law enforcement undertaken.

7 Two weeks ago, I disclosed the most current
8 information we were able to discover as to the criminal
9 history of all of the witnesses that we contemplated calling,
10 including extracts from their "A" files that we thought would
11 potentially have some sort of *Giglio* relevance. Interestingly
12 enough, in the day when I guess we're supposed to be careful
13 about how to describe people who are undocumented aliens in
14 the United States, Mr. Montemarano states that they're illegal
15 and that they reflect a propensity on them to engage in
16 illegal acts.

17 We have identified, and, in fact, it's true that
18 most of the witnesses the Government will call who are
19 Hispanics are, in fact, undocumented aliens in the United
20 States. Many of them are either in or subject to deportation
21 proceedings, and a few of them, the deportation proceedings
22 have essentially been suspended by the Government to make sure
23 that the witnesses were or remained available.

24 This information, we have certainly undertaken to
25 disclose. As to the three specific individuals Mr. Ruter

1 identified -- Ascencio, Campos, Dueñas Franco -- indeed there
2 is evidence regarding criminal history information that has
3 been turned over. As to the information that may bear on
4 their criminal history in their country, their host country,
5 or home country, as I think about it, I would have to
6 acknowledge that I don't know what, if any, criminal history
7 they have in their own countries. We have not endeavored to
8 obtain that from any of their home countries, and --

9 **THE COURT:** If I heard Mr. Ruter correctly, he
10 wasn't expecting that.

11 **MR. CUNNINGHAM:** Well, it may have been Mr. Ruter.
12 I thought Mr. Montemarano was suggesting that perhaps that was
13 something that was missing in the Government's disclosure, and
14 it's not included in the interviews that are documented, with
15 one exception that comes to mind: We did disclose a report of
16 investigation involving an interview of Ferman Martinez
17 Hernandez, and Mr. Martinez Hernandez, who is an illegal alien
18 from Mexico, actually admitted to serious crimes in his home
19 country before he came to the United States.

20 I don't know if that's true or otherwise, Your
21 Honor. We did not take any steps to verify that or not, and,
22 as far as we can tell, he was not caught, nor ever charged
23 with or prosecuted for the offenses that he claims to have
24 responsibility for in Mexico.

25 **THE COURT:** Have you turned over the *Giglio* and

1 Brady in your possession?

2 **MR. CUNNINGHAM:** Yes, Your Honor.

3 **THE COURT:** Thank you.

4 **MR. RUTER:** Your Honor, just the last comment, if I
5 could. The reason I think that becomes such an important
6 issue for us is especially true as it relates to the female
7 individuals who were engaged in the prostitution, ostensibly
8 at the direction of Mr. Ventura, our theory being, Your Honor,
9 that, if, in fact, as an example, one or more of those ladies
10 had been found guilty of prostitution in their homeland, that
11 we would have the opportunity to argue -- and I think it would
12 be most effective -- that, if they were committing
13 prostitution in their country and Mr. Ventura had nothing to
14 do with it then, that their assertion that they're now engaged
15 in prostitution involuntarily, being coerced by Mr. Ventura or
16 others, may, in fact, render that position weak, and so, if
17 there were any such prior convictions, I think it would be a
18 very important piece of information for us to have, but I
19 repeat: We have no way of obtaining that, and, with all the
20 discovery, there is no suggestion that any such questions or
21 investigation took place by the Government to discover that,
22 so we have no good-faith foundation to suggest that such
23 evidence does exist.

24 **THE COURT:** Well, absent such a basis, of course, it
25 begins to sound like a fishing expedition, and I don't believe

1 you should expect to get any relief on this motion. Also,
2 Mr. Ruter, by saying that evidence of their employment as
3 prostitutes outside of the country tends to weaken the
4 suggestion that they are forced into prostitution here, I'm
5 not so sure there is a logical connection between those two.
6 That's darn close to a "prostitutes can't be raped" argument.

7 **MR. RUTER:** Well, Your Honor, I would say this to
8 the Court: That would not be the sole piece of evidence upon
9 which we would base such an argument. I think the Court will
10 hear throughout the course of this trial, with many interviews
11 from the various females, that, at times, they suggest that
12 they were not coerced, they were not threatened, there was no
13 force, and then, over a period of time, quite frankly, we
14 would argue, as the interviews continue over the years, their
15 testimony will morph into something which suggests that there
16 was force.

17 So, if you were to couple our ability to demonstrate
18 that their testimonies changed dramatically over a course of
19 time while they're being interviewed -- and I'd say also,
20 Judge Quarles, in between those interviews, they're still
21 engaged in prostitution. And so, when you add all those
22 factors, then I would respectfully disagree with the Court. I
23 think that a logical inference could be drawn that, if such
24 activity occurred in their homeland without Mr. Ventura, that
25 they simply continued that as a profession and as a livelihood

1 when they arrived in this country.

2 **THE COURT:** Well, I'm not going to foreclose the
3 argument, but I'm just suggesting --

4 **MR. RUTER:** And I appreciate that, Your Honor.

5 **THE COURT:** -- it does not necessarily follow.

6 **MR. RUTER:** Yes, sir.

7 **THE COURT:** Okay. Next motion?

8 **MR. MONTEMARANO:** Thank you, Your Honor. We would
9 then, I think, need to look at the -- for the record, that was
10 Paper 108.

11 **THE COURT:** Yes.

12 **MR. MONTEMARANO:** I would then invite the Court's
13 attention to Papers 106 and 7, our motion for the disclosure
14 of Rule 404 and 609 evidence. My understanding of the
15 Government's response is that they have no evidence other than
16 those specific prior convictions of my client, and I don't
17 believe Mr. -- Gerry?

18 **MR. RUTER:** No.

19 **MR. MONTEMARANO:** Does he? Just my client's prior
20 convictions, but I don't believe that they intend to utilize
21 any of these, and that, then, focusses upon one very discrete
22 instance, which is, I think, sort of the fulcrum upon which
23 all of this turns, and that would be -- which is the evidence
24 which is also laid out in Paper 159, which I filed on Friday
25 afternoon, our Motion *in Limine* regarding inadmissible

1 evidence of threats.

2 Let me see if I can put this into a nutshell for the
3 Court. There was a murder in September of 2008. There are
4 witnesses to the murder who identified an individual who does
5 not look like my client -- tall versus short, thin versus
6 heavy, short hair versus long hair, but who is Hispanic. My
7 client is interviewed regarding this murder. There will be
8 evidence that the Government will seek to adduce from
9 independent witnesses that claim that my client and
10 Mr. Ventura were discussing the murder afterward, celebrating
11 it later that night, you know, as in, "Oh, good, the witch is
12 dead," sort of on that level, and then that there are threats
13 made by Mr. Ventura of the nature of, "Look what happened to
14 him," the victim. "That will happen to you." Fine.

15 During the investigation of that murder, it is then
16 linked ballistically to an attempted murder earlier the same
17 year, in roughly March. The Government is going to suggest,
18 as I understand, that this is not evidence of participation in
19 the murder by Mr. Ventura, although -- let's be honest -- he
20 was indicted in State Court, but they are not going to argue
21 his responsibility. They are going to argue the adoption of
22 it as a form of conspiracy conduct, the exact kind of evidence
23 in support of coercion, which one might understand someone to
24 be using towards someone: If you do that, I will do this,
25 and, oh, look, I've done it before. Fine.

1 The problem with that, Your Honor, is that, number
2 one, there is such a large amount of evidence suggesting my
3 client didn't do it that contrasts with any involvement on his
4 part, number one. Number two, and equally important, the
5 prejudicial effect of this information without a severe
6 limiting of it, because the Defense certainly understands how
7 this could be considered to be valid evidence of the
8 conspiracy and valid evidence in support of the charged
9 offenses, it then, however, creates a huge problem under 401
10 and 403, because there is a tremendous prejudicial effect to
11 the notion that these people are involved in some way, shape,
12 or form with a murder. That's especially true when we start
13 talking about a murder that there is no adoption of, the one
14 earlier --

15 **THE COURT:** I understand the Government's not saying
16 that your clients committed the murder. What they're saying
17 is that they used the event -- at least Mr. Fuertes did --
18 used the event to threaten competitors and, my understanding,
19 some of the women who were employed. So they're not saying he
20 did it. They're saying he said he did it as part of his
21 business plan.

22 **MR. MONTEMARANO:** Wouldn't that be about on the
23 level of, "Well, I'm not saying Montemarano's involved in
24 organized crime or anything like that, folks, but, you know,
25 there is John Gotti and Lucky Luciano, and, hmm, gee, they're

1 all Italian"? What I think we need, Your Honor, is more than
2 the just the nod-nod, wink-wink sort of bifurcation that Your
3 Honor has just described.

4 **THE COURT:** Well, there is more than that. These
5 are allegations in the Indictment, aren't they?

6 **MR. MONTEMARANO:** They are, and I think that
7 permitting the Government to go into them is simply not at all
8 probative of the charged offenses when compared to the
9 prejudicial effect, and there must be some sort of cure to
10 that prejudicial effect before it can come in, because
11 otherwise this is the quintessential example of a bell that
12 simply cannot be unrung, and I'm not sure what the appropriate
13 relief is, and we have talked about this -- counsel -- and I'm
14 not suggesting any measure of bad faith on the part of the
15 Government in any way, shape, or form any more than I was
16 earlier. My concern is simply, if the Government is permitted
17 to put on the case the way they want to -- and this is much
18 the same way as I was arguing if they can put on these
19 witnesses without telling us about information -- countries,
20 as Mr. Ruter very clearly lasered in on, I think -- frankly,
21 I'm a little embarrassed that he did a better job explaining
22 my motion than I did concerning prostitution of these women in
23 their homeland.

24 Our concern is that, without saying these guys
25 committed the murder -- and, so it's clear, the allegation

1 concerning Mr. Ventura is that he ordered it, promulgated it
2 in some way, shape, or form. Suggesting these guys adopted
3 the murder without more suggests that they committed the
4 murder, that they're involved in the murder, that they are
5 more than just happy on the level of, you know, the enemy --
6 "my enemy is my friend" kind of thing, and the prejudicial
7 effect under 401 and 403 has become more and more clear each
8 day as we have prepared for trial.

9 **THE COURT:** Belinda, would you check the jury,
10 please?

11 **THE CLERK:** They're ready.

12 **THE COURT:** They are ready?

13 **THE CLERK:** Yes, sir.

14 **THE COURT:** Okay.

15 **MR. MONTEMARANO:** And I'll be very brief, Your
16 Honor. Our concern is, very simple, that it will deny the
17 opportunity for the Defense to challenge the coercion aspect,
18 because the jury will blow right by coercion to culpability
19 with regard to what is, as we always acknowledge, the flagship
20 offense in the criminal law in that of murder, and there is no
21 question this is a murder, Your Honor, and there is no
22 question it's rather egregious. Mr. Ramirez, the victim of
23 the September '08 murder, is shot in the head seven times,
24 eight times at pointblank range by someone in the back seat of
25 his vehicle.

1 **THE COURT:** Okay. Government?

2 **MS. YASSER:** Yes, Your Honor. If I may address this
3 motion. And the Government did file a written response early
4 this morning. I hope --

5 **THE COURT:** Which I have read, yes.

6 **MS. YASSER:** Excellent, Your Honor. And you hit the
7 nail on the head. Obviously it's difficult to argue that
8 evidence is irrelevant or inadmissible under 404(b), or
9 prejudicial when --

10 **THE COURT:** When it's been pled?

11 **MS. YASSER:** It's been charged. This is charged
12 conduct, and it's relevant not only as charged under the
13 conspiracy counts, because obviously evidence that Ventura and
14 Fuertes engaged in a campaign to threaten other competitor
15 pimps to get out of their territory is very evidence of their
16 participation in the underlying conduct itself. Why else
17 would you need to push competitors out of the business that
18 you're not engaged in yourself?

19 So, in addition to being a charge, it's relevant for
20 the substantive acts charged in Counts 2, 3, and 4 as well.
21 Moreover, it provides incredibly important background and
22 context for the investigation that ensued after the murder of
23 Mr. Rivas Ramirez and was the impetus for this entire case
24 when Detective Hartlove, in investigating the murder, became
25 aware of the sex-trafficking operation that Ventura and

1 Mr. Fuertes were running. So it does, in addition, provide
2 important context and background.

3 Similarly, a third basis, or I guess fourth basis at
4 this point, for its admission has to do with the Count 6
5 charged in the Indictment, the sex trafficking by force,
6 fraud, or coercion, because there will be testimony that the
7 victim under that count had awareness of Mr. Ventura's -- not
8 only his acceptance of responsibility for this murder, but
9 also celebration on the night of itself, and witness to events
10 that, in her mind, would contribute to her fear of these two
11 individual men.

12 So, for all of those reasons, Your Honor, the
13 evidence of the threats to competitor pimps, including
14 Mr. Rivas Ramirez, are indeed relevant and admissible in this
15 case.

16 **THE COURT:** Thank you. You get the last word.

17 **MR. MONTEMARANO:** The Court's indulgence, please.

18 (Counsel conferring.)

19 **MR. MONTEMARANO:** The only other thing I would
20 observe, Your Honor, I think Ms. Yasser sort of stepped in it.
21 We see exactly the Government's attitude when she refers to
22 this -- to our clients, rather, as pimps, and I'd be moving *in*
23 *limine* to exclude that sort of description of our clients and
24 to the reference to what they were doing as pimping, which is
25 not a word in the statute, but I think is remarkably

1 inflammatory.

2 Once again, they are free to argue in favor of
3 legitimate evidence that relates to -- and Your Honor's
4 observation that it was pled is entirely appropriate. I can't
5 do anything about that, but there still is that prejudicial
6 aspect to it that gives the Defense grave concern and, I
7 believe, needs to be reined in to some degree to permit these
8 gentlemen a fair trial on the coercion aspect under the § 1591
9 count, which is Count 6.

10 **THE COURT:** Okay. For reasons that will be
11 explained in the memorandum to be filed today, you should not
12 anticipate relief on that motion.

13 Madam Clerk, are you going to go get them?

14 **THE CLERK:** Yes, sir.

15 **THE COURT:** Okay. We're going to take a brief
16 recess while the jury panel is brought up.

17 **MR. CUNNINGHAM:** Your Honor, before recess, may I
18 interject one question?

19 **THE COURT:** Sure.

20 **MR. CUNNINGHAM:** Will you be distributing your
21 anticipated *voir dire* to counsel?

22 **THE COURT:** Nope.

23 **MR. MONTEMARANO:** Well, two things. One thing
24 regarding *voir dire*, Your Honor.

25 **THE COURT:** Yes.

1 **MR. MONTEMARANO:** We would request that section --
2 the Court's indulgence, please.

3 In the *voir dire* the Defense filed, I think it's
4 Section 15 concerning racial, ethnic prejudice, et cetera, and
5 I referred to Hispanic persons in much the same way that,
6 where we often have Black clients, we ask about racial
7 prejudice. We want to focus on ethnic prejudice with regard
8 to people who are foreign-born or of Hispanic descent. We
9 would add to that, because it's become clear over time, the
10 degree to which so many of the witnesses will be illegal --
11 illegals, for lack of a better term -- I'm not sure what the
12 appropriate term is -- undocumented entrants into the United
13 States -- we would ask that the Court add a question related
14 to that aspect of the status of the witnesses and the
15 Defendants.

16 **THE COURT:** I am going to ask in *voir dire* a
17 question that I think will get at that for the bench
18 discussions here.

19 **MR. MONTEMARANO:** I'm just trying to cover all
20 bases.

21 Last but not least, Your Honor, we discussed on --
22 was it Wednesday? Wednesday, the issue of clothing for my
23 client, which I then promptly put on a shelf and spent all
24 weekend long working on this case and other things, and simply
25 never got back to. I will have clothing for him tomorrow.

1 **THE COURT:** Okay. David, do you all still have any
2 wardrobe up there?

3 **THE MARSHAL:** Sir, when the cell block got
4 remodeled, the bin that had the clothes was all donated to
5 Good Will, and we no longer maintain an inventory.

6 **THE COURT:** Okay. Thank you.

7 We'll see you when the jury is back.

8 **MR. RUTER:** Your Honor, before the Court adjourns, I
9 wanted to ask a question. Will the Court give me about ten
10 minutes to make certain that the motions that I had filed
11 were -- as well as Mr. Ventura had filed *pro se* -- and this is
12 for Mr. Ventura's sake, which I think he's deserving of, Your
13 Honor, to make certain that each one is addressed for his
14 understanding?

15 **THE COURT:** Yes. Just for your guidance, what will
16 happen is that we will select the jury. We do that first so
17 that we can send the rest of them home rather than --

18 **MR. RUTER:** Yes, Your Honor.

19 **THE COURT:** -- blowing their entire day. After we
20 have selected the jury, I'm going to give them some downtime
21 today to go roam around downtown if they want. We'll finish
22 up motions then, and then, after we've finished up motions, we
23 hope that I will give you all time for lunch, after which the
24 jury will return, they'll get some preliminary instructions
25 from me, and then they will hear your opening statements.

1 **MR. RUTER:** Thank you, sir.

2 **THE COURT:** We're in recess.

3 **THE CLERK:** All rise. This Honorable Court stands
4 in short recess.

5 (Recess taken, 10:03 a.m. - 10:25 a.m.)

6 **THE CLERK:** All rise. This Honorable Court now
7 resumes in session.

8 **THE COURT:** Please be seated.

9 Ready for the jury?

10 **MR. MONTEMARANO:** Thank you for the time, Your
11 Honor.

12 **THE COURT:** Actually, I will ask all of you to plan
13 and conduct your affairs so that we don't leave bunches of our
14 fellow citizens standing around with nothing to do.

15 **MR. MONTEMARANO:** I overlooked it, Your Honor. It's
16 nobody's fault but mine.

17 **THE COURT:** Planning, planning. Remember the seven
18 Ps.

19 Belinda, would you get the jury, please?

20 **THE CLERK:** Yes, sir.

21 **MR. CUNNINGHAM:** Your Honor, may I interject one
22 thing? Just --

23 **THE COURT:** Yes.

24 **MR. CUNNINGHAM:** -- for purposes of your explanation
25 to the jury, the Government, since last Wednesday -- and I

1 think I alluded to the fact that we were looking at ways that
2 we might be able to tighten up our presentation of the case
3 and trying to manage witnesses, some of whom are a challenge
4 because of the circumstances in their lives and
5 transportation, et cetera. We have endeavored, and I think we
6 are in a position where we can represent to the Court, with
7 hopefully not undue optimism, that we would expect to be able
8 to conclude our case by next Wednesday, Thursday of next week
9 at the latest.

10 **THE COURT:** Thank you.

11 (Petit jury enters.)

12 (Whereupon, the jury is selected.)

13 **THE COURT:** Counsel, is there any reason to approach
14 before I dismiss the remainder of the *venire*?

15 **MR. RUTER:** Not from the Defense, Your Honor.

16 **MR. MONTEMARANO:** No, Your Honor.

17 **MR. CUNNINGHAM:** No, Your Honor.

18 **THE COURT:** Thank you.

19 Those of you who were not selected, thank you very
20 much for your service. Remember to call in on Friday after
21 6:00 p.m. to see if you'll be needed next week. Thank you for
22 your service. Good day.

23 Quietly, please. Quietly, please.

24 (Whereupon, the remainder of the *venire* dismissed.)

25 **THE COURT:** Members of the jury, Ms. Arrington will

1 show you where you will assemble in the morning, where you
2 will go during your recesses, and where you will depart from
3 in the afternoon. We're going to take a little later and a
4 little longer lunch break than usual. I will ask you to be
5 back in your jury room at about 3:15, which will permit us to
6 get started -- actually, make it 3:30. Be back in the jury
7 room at 3:30. We'll get started at 3:30.

8 (Jury excused.)

9 **THE COURT:** Counsel, we'll finish motions at
10 3:00 p.m. We will resume at 3:00 p.m.

11 **MR. RUTER:** Thank you, Your Honor.

12 **THE COURT:** We're in recess.

13 **THE REPORTER:** All rise. This Honorable Court is
14 now in recess until 3:00 p.m.

15 (Recess taken, 1:54 p.m. - 3:01 p.m.)

16 **THE CLERK:** All rise. This Honorable Court now
17 resumes in session.

18 **THE COURT:** Please be seated.

19 Mr. Montemarano?

20 **MR. MONTEMARANO:** Thank you, Your Honor.

21 I'd like to, if I could, briefly circle back to our
22 discussion earlier relative to what I'm going to refer to as
23 the March of '08 shooting and the September of '08 murder.
24 I'll use the word "shooting" and "murder" to differentiate the
25 two, because there is no question the murder involved a

1 shooting as well. It's more a question of consummation than
2 not.

3 Your Honor had referenced the question of acts of
4 violence and/or threats having been pled. There is no
5 question that that is true; acts of violence and threats are
6 pled in the Indictment. These specific instances, however,
7 are not pled. There is no reference to the March shooting.
8 There is no reference to the September murder, and the view of
9 the Defense -- I think Mr. Ruter does join me -- is that,
10 without proof of the participation of our clients in them,
11 they, in essence, rise to the level of and require analysis
12 through the lens of 404(b), as much as anything else, which
13 then goes to the question of, number one, is there evidence
14 these acts were committed by the Defendant, and then of course
15 what the level of proof is and how that relates to proof of
16 the charged offenses.

17 And we believe that, when you look at it in that
18 fashion, there being no proof of our clients' participation
19 and indeed the significant proof of someone else having been
20 the triggerman, because the Government's theory, to the extent
21 there is a theory involved, was that Mr. Ventura ordered
22 Mr. Fuertes to do the shooting, which is how El Pelon,
23 Mr. Ramirez, died.

24 We then have the problem of the prejudicial nature
25 of this evidence, and of course, Your Honor, anything the

1 Government wants to bring in and that we fight about always is
2 prejudicial -- we understand that -- but, in this case, the
3 prejudicial nature of suggesting that these individuals were
4 actually involved in a murder, which is far different than a
5 long thereafter, "I did that and I'll do it to you too," which
6 is a very different sort of thing, where there is a suggestion
7 of these people participating in the murder then and there
8 when there is no evidence of it, I believe that the 401, 403
9 balance comes firmly on the side of excluding references to
10 their acting in concert relative to the murder as opposed to
11 independent and significantly *ex-post-facto* threats of,
12 "You'll get the same," which is a very different level and a
13 very different nature of evidence.

14 **THE COURT:** Okay. I understand your position.

15 What's your next motion?

16 **MR. MONTEMARANO:** I don't think I have anything
17 else. I think it's Mr. Ruter's turn, Your Honor.

18 **THE COURT:** Mr. Ruter?

19 **MR. RUTER:** Your Honor, thank you.

20 Your Honor, I've gone through the docket entries,
21 and I noted that Mr. Ventura had filed several *pro se* motions,
22 which have been docketed --

23 **THE COURT:** Yes.

24 **MR. RUTER:** -- and this, Your Honor, is as much for
25 the benefit of Mr. Ventura as it is for the Court. I'm fully

1 aware that His Honor has seen those *pro se* pleadings this
2 morning. As an example, Your Honor, Mr. Ventura asked me
3 whether I would ask you if you'd seen his letters?

4 **THE COURT:** Yes.

5 **MR. RUTER:** I'm sure, Your Honor, the letters he's
6 referring to are the documents which have been docketed as
7 actual motions in his case.

8 **THE COURT:** And I believe all of them are docketed
9 through my having had them docketed.

10 **MR. RUTER:** That's exactly correct, and I told him,
11 Your Honor, whenever he sends a correspondence to you, to the
12 Court, that you then send a copy to the Clerk, to counsel, and
13 I tried to assure him that, whatever he has sent to you, you
14 are fully aware of it, it's been docketed, and I'm also aware
15 of it.

16 Having said that, Your Honor, that leads us to
17 Document 40. It's his motion for a speedy trial. It's also
18 my Document Number 122. He filed his *pro se* motion on
19 September 7th of 2011. I think he did the same thing, Your
20 Honor, for Docket Number 50, which is docketed on November the
21 19th of 2011, but, Your Honor, I do not wish to argue that
22 motion. I have read the docket entries very thoroughly, and
23 His Honor is aware that I am down the road a bit as far as
24 being a lawyer in this case, and the fact of the matter is
25 that there were attorney inquiry hearings, there were waivers

1 of a right to preliminary hearing after there had been an
2 exclusion of time to actually file a preliminary -- to ask for
3 a preliminary hearing.

4 All that was done long before I became involved in
5 the case, but I want His Honor to be aware that Mr. Ventura
6 has advised me that he had never spoken to his counsel about
7 giving permission to waive any right to a preliminary hearing
8 and any other waivers that allegedly occurred from around
9 September 7th of 2011 until I arrived in the case late in
10 2012. I think I shouldn't say "late." July 24th, 2012 is
11 when I entered my appearance. So I'm not going to speak, Your
12 Honor, to his Document 40 or my Document 122. I will submit
13 on those motions.

14 Document 57, Your Honor, is also Mr. Ventura's *pro*
15 *se* motion to dismiss, again based upon a lack of a speedy
16 trial that was filed on December 13th of 2011. We would then
17 come to the motions that I submitted, Judge Quarles, the first
18 being Document 116.

19 That's the motion to suppress two cell phones that
20 were seized from Mr. Ventura when he was arrested on September
21 24th of 2009. Those cell phones were searched pursuant to a
22 search warrant issued by a Circuit Court judge in Anne Arundel
23 County on October 7th of 2009, and I will submit on that
24 motion without argument.

25 Document 118, Your Honor, is my motion to suppress

1 the stop and the seizure and the statement which Mr. Ventura
2 ultimately gave on the same day the two cell phones were
3 seized. That's September 24th of 2009. At the time that that
4 motion was filed, Judge Quarles -- it could have been my
5 oversight, but I did not see in the discovery -- I did see it
6 in the motions hearing; Detective Hartlove had it in
7 possession -- the actual arrest warrant that issued from a
8 Superior Court judge in Washington, D.C., and I will concede
9 that it appears to be lawful. It was faxed evidently to
10 Detective Hartlove, who then used that document as his good-
11 faith belief that a warrant was outstanding for Mr. Ventura
12 and, hence, the reason why he was arrested on September 24th
13 of 2009.

14 I would, Your Honor, ask you to consider, however,
15 the legality of Mr. Ventura's statement on that date. He was
16 taken into custody on 9/24/09 at 5:56 p.m. He was questioned
17 on the same date starting at 11:40 p.m. Questioning ceased at
18 12:40 a.m. on 9/25/09. Then he was released to the
19 Metropolitan Police Department on September 25th at 11:00 a.m.

20 Your Honor, it's our contention that there are two
21 difficulties with the statement he made in the interim.
22 Number one is that I believe that Maryland Rule 4-212(e)
23 requires that an individual who is arrested on a warrant must
24 be taken as soon as is practicable to a District Court without
25 unnecessary delay. It's our position that what should have

1 happened is, when Mr. Ventura was arrested, he should have
2 been taken to a commissioner so a commissioner could decide
3 whether or not he should or should not be denied bail, waiting
4 for officials to come and get him from the Metropolitan Police
5 Department. He should not have been taken to a barrack in
6 Anne Arundel County for the very purpose of questioning him.

7 We know, Your Honor, from the testimony at the
8 motions hearing from Detective Hartlove -- there is certainly
9 nothing unscrupulous about this at all. He was investigating
10 prostitution. He was on his computer, he testified, and he
11 was attempting to find out as much information as he could
12 about Mr. Ventura, and he discovered the fact that a warrant
13 had issued out of Washington, D.C., and it was he, then, who
14 contacted Detective Oh, he told us, who then faxed him the
15 information in question, but we know this, Judge: He wanted
16 to seize Mr. Ventura for the purpose of trying to elicit a
17 statement from him, and, again, there is nothing wrong with
18 that either.

19 He did not inquire as to whether or not Mr. Ventura
20 had counsel, even though he took from him a business card that
21 had the name of a lawyer, which we're not sure, but, in fact,
22 could have been involved in representing him in the criminal
23 case out of Washington. We don't know that, but it's
24 certainly possible. He admitted he never inquired of
25 Mr. Ventura at all as to whether or not that person was his

1 lawyer in this case.

2 What we also heard during the testimony, Your Honor,
3 is that, throughout the interview, Mr. Ventura said that he
4 would not sign anything -- and I quote -- unless his lawyer
5 was present, end quote. It's our position, Your Honor, that,
6 when he said that -- and he said it several times -- it's our
7 position that that was a clear indication that he had a lawyer
8 and he wasn't going to sign anything until he had his lawyer
9 present. It's our position that, because we believe that is a
10 clear request by Mr. Ventura to have a -- that he has an
11 attorney, that all that should have happened is questioning
12 should have ceased as soon as the detective realized that he
13 had a lawyer.

14 Mr. Ventura, according to Detective Hartlove, said
15 that he wanted his lawyer present in order to sign the
16 document, or he wouldn't sign a document unless his lawyer was
17 already there. That never happened, and he never signed
18 anything.

19 You should find, we believe, Judge Quarles, that
20 that is not a waiver of his right to counsel. It's rather
21 apparent from that particular interview, coupled with the
22 interview that happened on November 15th of 2010, some year
23 and two months later, that Mr. Ventura believed
24 subjectively -- and his belief was reasonable -- that not
25 signing anything was tantamount to whatever he's saying not

1 being able to be used against him.

2 That is an absolute reasonable interpretation of
3 what happened in September of '09 and what happened again in
4 November of 2010. So we believe that His Honor should
5 suppress the statement that Mr. Ventura made based upon his
6 not being promptly taken before a commissioner, and, secondly,
7 because he had imposed or, rather, indicated he wanted his
8 lawyer present. We cite *Edwards versus Arizona*. I think,
9 Your Honor, it clearly was an invocation of his right to
10 counsel and the detective had no right to ask any further
11 questions once Mr. Ventura invoked his right to counsel.

12 And, again, my notes indicate from my examination of
13 Detective during the motions hearing that it was at least
14 three occasions that Mr. Ventura told him, "I am not signing
15 anything until or unless my lawyer is here with me." We
16 believe, Your Honor, under the totality of the circumstances,
17 that renders that statement involuntary and, hence,
18 inadmissible for any purpose.

19 Document 117, Your Honor, is our motion to suppress
20 Mr. Ventura's statement which he made on November 15th of
21 2010. This, of course, is at the same time he had been
22 charged, I believe by criminal complaint, for some of the
23 offenses that he's now standing trial on here today. He was
24 arrested on that Complaint at 2:39 p.m. He was questioned
25 without counsel at 7:43 p.m., and we heard from the detective

1 that he believed that Mr. Ventura had advised him that he
2 wanted a lawyer, and so questioning was stopped.

3 We tried to listen to the recording, Your Honor, and
4 evidently we didn't really get all the language that occurred
5 during that very brief first recorded conversation wherein the
6 detective admitted that he thought that Mr. Ventura had
7 invoked his right to counsel.

8 We're then told at the motions hearing that he,
9 Mr. Ventura, was taken back to his cell, I think downstairs,
10 and, at 8:15, he pushed a button.

11 **THE COURT:** I heard the testimony, Mr. Ruter.

12 **MR. RUTER:** Yes, Your Honor. And, Your Honor, we do
13 not know why it is that Mr. Ventura pushed that button, but we
14 do know this: You listened to the audio recording, and there
15 were several times, Your Honor, throughout the entire
16 beginning part -- 15 pages -- where he repeatedly, I believe,
17 made it clear that he had invoked his right to counsel, and
18 that, once again, he was not going to sign anything until his
19 attorney was present.

20 This Court had the opportunity to hear the tenor of
21 the voice of the detectives telling Mr. Ventura they weren't
22 going to play games with him. They had a family to go home
23 to. He didn't. He probably had nothing to go home to, but
24 they did, and they wanted him to either put up or to shut up.

25 He clearly, Your Honor, invoked his right to

1 counsel. It is equally as clear that he did not understand
2 and, hence, he could not have made a voluntary waiver of his
3 right to counsel. He did not understand that telling the
4 officers that he would not make or would not sign any
5 document, he believed was tantamount that whatever he said
6 could not be used against him. It is just obvious the way
7 this conversation unfolds that that was his understanding, and
8 we think that the Court should find that, in this case, that
9 he did not waive his right to counsel, he invoked it, and he
10 was then questioned extensively, and the Court should find, we
11 believe, that the statement he made was made involuntarily.

12 Your Honor, as to Document 119 -- that's the motion
13 to suppress in-court identification. I don't believe that
14 they need to be addressed *seriatim* as I had actually set them
15 forth in my papers. I understand better today that many of
16 these folks were employed by Mr. Ventura, at least it is
17 alleged, but many had a lot of opportunity to see him. Some
18 did not, and I think the more appropriate way to proceed is to
19 listen at least to some of the testimony of a couple of people
20 to see how often they had seen him, while they take the
21 witness stand, before any in-court identification is made.

22 Your Honor, Document 120 is our motion to suppress
23 the search, [REDACTED]. The single argument I would
24 make in that case, Your Honor, is certainly ample probable
25 cause to believe that there is some conspiracy to commit

1 prostitution going on, and there is certainly probable cause
2 to believe that Mr. Ventura was playing some role in that
3 regard.

4 However, there is no probable cause to believe that
5 there is a nexus between that prostitution and [REDACTED]
6 [REDACTED]. They did realize, Your Honor, that he lived there.
7 The affidavit so states, and it gives the grounds why there
8 was a good-faith belief that he did live there, but, that
9 being said, other than the fact that he lived there, I don't
10 think that anyone could find that an adequate nexus exists to
11 attach the alleged criminal activity with that household, and
12 we think that, therefore, the warrant should fall for lack of
13 a nexus between it and the probable cause itself.

14 I think lastly, Judge Quarles, is our Document 121,
15 which is a motion to suppress the GPS evidence. There was
16 confusion initially, Your Honor, as to whether or not any
17 warrants had been executed at all for any GPS devices. It
18 turns out that there was, in fact, a warrant issued for the
19 white Chevy, as well as a -- I think the 1995 Ford Explorer.
20 What I thought, however, is significant is that that warrant
21 was signed -- the two warrants were signed on the same day.
22 They were signed on March, I think, 5th of 2010 by a Prince
23 George's County Circuit Court judge.

24 Those warrants indicated clearly that the period of
25 the search was for a period of 30 days. Mr. Cunningham

1 rightfully pointed out that the warrant is absent any language
2 at all as to when the warrant would commence. Ordinarily, I
3 think we almost always see that a starting point of when a
4 warrant should start; however, there is a termination period,
5 which is to be 30 days following the seizure itself.

6 The devices, Your Honor, were not attached to the
7 cars until evidently mid April, and then we find that they
8 were removed and then placed on these two vehicles again as
9 late as July or August, and then they were taken off in
10 September of 2010. There clearly -- under anyone's argument,
11 no one could possibly believe that the warrant, which may have
12 been lawful in March, could extend to July or August or
13 September of the same year given the fact you had a 30-day
14 term attached to it. In addition, there were two other
15 vehicles where the GPS device was attached to those vehicles,
16 for which there was no warrant at all.

17 Now, we think it's important, Your Honor, because
18 the Government must have believed that it was necessary to
19 receive a Court Order for the GPS devices initially, because
20 that's what they did. When they first wished to investigate
21 by this investigative technique, they received Court
22 authorization. It was later on that they received the phone
23 pings -- the phone searches, and, in their papers, the
24 Government would have the Court believe that the GPS on the
25 vehicles is equivalent to the GPS on the phones where, in

1 fact, that is not the case at all.

2 Detective Hartlove made it clear that, with the --
3 I'll call it a ping device on the phones -- there can be a
4 wildly wide range in which he may not -- you're going to
5 locate a phone. He said maybe from three feet -- I want to
6 say, Your Honor, if I recall, like -- he said 1,500 feet.
7 Well, the reason that they wanted the GPS device on the phones
8 was because they needed to know -- or on the cars is they
9 wanted to follow Mr. Ventura second by second. The device on
10 the phones wouldn't allow that. There is a 15-minute time
11 lapse. Every time they try to click into it, they have to
12 wait for 15 minutes. Well, in 15 minutes, he could be long
13 gone.

14 In addition, you have before you, Judge Quarles,
15 several reports which indicate that the only thing that
16 Detective Hartlove referenced in his reports is finding
17 Mr. Ventura by the GPS devices on the vehicle. Not one report
18 that I saw indicates he found Mr. Ventura by the device on the
19 phones, not one time.

20 Now, the Government counters by saying that *Jones*
21 should not be applied retroactively, and, Your Honor, it's our
22 position that *Jones* did not create any new law. It's our
23 position that all that *Jones* did is reaffirm that, prior to
24 *Katz versus United States*, the way in which the Supreme Court
25 looked at seizures and searches was by trespass, and that was

1 the only way, quite frankly, until technology came along, that
2 people could actually -- law enforcement could actually seize
3 somebody or something, was to actually -- they had to
4 trespass, and they had to grab it. They had to go to it.

5 With the advent of technology that -- I think it's
6 *Knox versus U.S.* which they cite -- comes along, and what
7 happens is a law enforcement person goes to a third party and
8 sticks a device inside of a container which they want to
9 follow. The container goes to a certain place. They find --

10 **THE COURT:** You can take it as read that I don't
11 need the factual discussions of each of the cases.

12 **MR. RUTER:** I'm sorry, Your Honor?

13 **THE COURT:** You may take it that I do not need the
14 factual discussions of each of the cases you're relying on.

15 **MR. RUTER:** Well, then allow me to say this,
16 Judge Quarles: The *Knox* case relied on the doctrine of a
17 reasonable expectation of privacy in that container. The
18 Supreme Court didn't decide it on a matter of trespass; it
19 decided it on a matter of reasonable expectation of privacy,
20 and they found that, because the container was given to a
21 third party, it was no expectation of privacy.

22 Well, that didn't happen in *Jones*, and it didn't
23 happen here. The police did what they never had been able to
24 do. They can't trespass upon a citizen's property to advance
25 their search or their seizures unless it's by probable cause,

1 supported by a Court Order.

2 **THE COURT:** I agree.

3 **MR. RUTER:** They didn't do that in those cases.

4 Lastly, I would say, Your Honor, that there is no
5 way that the Government, I think, can argue effectively that
6 there was going to be a inevitable discovery of Mr. Ventura,
7 because the one device which they tried to bootstrap does not
8 equate to the GPS device, and then, lastly, they can't argue
9 and rely upon *Leon*, Your Honor, because it's obvious they
10 thought they had to have a Court Order because they got the
11 Court Order in March of 2010. For whatever reasons, they
12 abandoned that and went on their own hunting expedition
13 without the benefit of judicial scrutiny which they should
14 have received.

15 Your Honor, the motion to dismiss, Document 122,
16 which is mine -- it's a motion to dismiss based on speedy
17 trial. I will not argue.

18 And I want Mr. Ventura to know, Your Honor, that
19 Document 134 is my motion asking His Honor if he would require
20 the Government to transcribe discovery. I told Mr. Ventura
21 that I had taken it up with His Honor, and Document 134 proves
22 that. Your Honor considered that motion, and you denied it by
23 Document 136, and, again, I repeat, Your Honor: That's for
24 the benefit of Mr. Ventura, that he knows that I did what he
25 asked me to do.

1 And, with that, Your Honor, I would submit.

2 **THE COURT:** Thank you.

3 Does the Government have anything to say that wasn't
4 said in any of its papers?

5 **MR. CUNNINGHAM:** No, Your Honor.

6 **THE COURT:** Thank you.

7 Okay. First of all, I have granted each Defendant's
8 motions to adopt the other motions filed by his co-defendant,
9 so the motions are granted in part, denied in part. They're
10 granted in that I am permitting the adoption. To the extent
11 that the substance of the co-defendant's motions is denied,
12 then the adopted motions are denied as well.

13 I direct your attention basically to two motions.
14 One is Defendant Ventura's motion to suppress evidence
15 obtained through GPS devices. ECF Number 121 is granted in
16 part and denied in part. Only evidence obtained pursuant to
17 Court Order will be admissible. Defendant Fuertes' motion to
18 suppress statements is granted as well, and, as I said, the
19 reasons for these decisions will be fully stated in the
20 memorandum to be filed today.

21 The other motions are denied.

22 Government, how long will you be in opening?

23 **MR. CUNNINGHAM:** No more than an hour, Your Honor.

24 **THE COURT:** Two- or five-minute warning?

25 **MR. CUNNINGHAM:** Five minutes, please.

1 Your Honor, can I ask for you to repeat the ruling
2 on Document 121, granted in part and --

3 **THE COURT:** Only evidence obtained pursuant to a
4 Court Order will be admissible.

5 Defendant Ventura, opening?

6 **MR. RUTER:** Oh, Your Honor, no more than 15 minutes.

7 **THE COURT:** Do you want a five- or two-minute
8 warning?

9 **MR. RUTER:** Five would be perfect. Thanks, Judge.

10 **THE COURT:** Thank you.

11 Defendant Fuertes?

12 **MR. MONTEMARANO:** Same.

13 **THE COURT:** Thank you.

14 Would you check on Belinda and the jury, please?

15 **MR. CUNNINGHAM:** Your Honor, if I can broach the
16 matter of the ruling as to the GPS data --

17 **THE COURT:** Yes.

18 **MR. CUNNINGHAM:** -- the Government did not actually
19 anticipate introducing evidence of specific coordinates of the
20 vehicle at a particular time, but, as you heard from
21 Detective Hartlove during his testimony, it was an amalgam of
22 the information that he was gathering -- I won't say
23 simultaneously, but at a particular time, as he said he
24 accessed his laptop, he could pull in both the phone data as
25 well as GPS data, which actually helped in the surveillance

1 process.

2 Now, he and other law enforcement officers, you
3 know, put eyeballs on the Defendant as well as other
4 individuals who were associated with the conspiracy, and
5 certainly our expectation is that he would be testifying as to
6 surveillance, but, from the standpoint of actually introducing
7 GPS coordinates, we don't intend to do that.

8 **MR. RUTER:** Your Honor, that's not what the Defense
9 theory -- what's happened here is that the reason that some of
10 the arrests were made -- the reason that some of the
11 observations were made at [REDACTED] and so on is because the GPS
12 tracking devices had been slapped on these vehicles, and, as I
13 understand, they woke up and said, "Well, the vehicle is over
14 here. Let's go over here," and then, based upon that, they
15 took action, and I think that the Court's ruling forbids the
16 actions they took as a result of their examination of the GPS
17 data. At least that would be our position, Judge Quarles.

18 **THE COURT:** Where the sole basis of the GPS
19 locational information is an action, government action, not
20 supported by a Court Order, then it is not permitted. Its
21 admission is not permitted.

22 May I send for the jury, folks?

23 **MR. RUTER:** Yes, Your Honor.

24 **MR. CUNNINGHAM:** Your Honor, may I step up and move
25 the easel?

1 **THE COURT:** Sure. I'm going to have a few
2 preliminary instructions first.

3 **MR. CUNNINGHAM:** Yes. Your Honor, does that block
4 your view?

5 **THE COURT:** No, that's fine.

6 (Jury enters.)

7 **THE COURT:** Members of the jury, I'll ask you to
8 remain standing briefly for the oath when I have you all in
9 the box.

10 And, Madam Clerk, if you will administer the oath to
11 the jurors.

12 **THE CLERK:** You and each of you do solemnly promise
13 and declare or affirm that you shall well and truly try and a
14 true deliverance make between the United States of America and
15 German de Jesus Ventura and Kevin Garcia Fuentes, Defendants,
16 a true verdict according to the evidence, and so you each do
17 swear?

18 **JURORS:** I do.

19 **THE CLERK:** Thank you.

20 **THE COURT:** Thank you. You may be seated.

21 You may be seated.

22 Members of the jury, now that you've been sworn, I
23 wanted to give you some preliminary instructions to help you
24 in your participation in the trial.

25 It will be your duty to find from the evidence what

1 the facts are. You and you alone will be the judges of the
2 facts. You will notice during the course of the trial that,
3 when you come into the courtroom, everyone will stand. That's
4 in recognition of the traditional respect that is accorded a
5 judge. When a judge enters a courtroom, everyone stands. In
6 recognition of your role as judges of the facts, you will be
7 accorded that same courtesy.

8 You will have to apply to those facts the law that I
9 will give to you. You must follow the law that I give,
10 whether you agree with it or not. Now, nothing I may say
11 during the trial, during these opening preliminary
12 instructions, or at any point is intended to indicate what
13 your verdicts should be. I have no opinions that count about
14 what your verdict should be; that's entirely a matter for you.

15 The evidence from which you will find the facts will
16 consist of the testimony of witnesses, documents, and other
17 things received into the record as exhibits, and any facts
18 that the lawyers agree to or stipulate to or that I may
19 instruct you to find.

20 Certain things, however, are not evidence, and must
21 not be considered by you as evidence. Statements, arguments,
22 and questions by the lawyers are not evidence. Objections to
23 questions are not evidence.

24 Now, the lawyers have an obligation to their clients
25 to make objections when they believe that evidence is being

1 offered improperly under the Rules of Evidence. You should
2 not be influenced by the objection or by my ruling on the
3 objection. If the objection is sustained, ignore the
4 question. If the objection is overruled, treat the answer to
5 the question like you would any other. If you are instructed
6 that some item of evidence is received for a limited purpose
7 only, then you must follow that instruction. Testimony that I
8 exclude and tell you to disregard is not evidence and must not
9 be considered.

10 Anything you may have seen or heard outside the
11 courtroom is not evidence and must be disregarded. You are to
12 decide the case only on the basis of the evidence presented
13 here in the courtroom.

14 Now, there are two kinds of evidence: direct and
15 circumstantial. Direct evidence is direct proof of a fact,
16 such as the testimony of an eyewitness. Circumstantial
17 evidence is proof of facts from which you may infer or
18 conclude that other facts exist. I will give you further
19 instructions on these, as well as other matters, at the end of
20 the case, but keep in mind that, as a general matter, you may
21 consider both kinds of evidence, because, as a general matter,
22 the law makes no distinction between direct and circumstantial
23 evidence.

24 It will be up to you to decide which witnesses to
25 believe, which witnesses not to believe, and how much of any

1 witness' testimony to accept or reject. I will give you some
2 guidelines for determining the credibility, which is to say
3 believability, of witnesses at the end of the case.

4 Now, a further word is that some of the witnesses
5 who will be testifying are not speakers of English. They will
6 testify in Spanish. Their testimony will be translated for
7 you. Some of you may understand some Spanish. I don't think
8 anyone on the jury claims fluency in Spanish, but some of you
9 might understand some bits of Spanish. I instruct you that,
10 if there is a difference between what you think the witness
11 said and what you heard from the interpreter, that you are to
12 rely on the interpreter's translation. That is the official
13 version for the Court. That is the evidence that all of you
14 will consider.

15 This is a criminal case, so I want you to bear in
16 mind that there are three basic rules you must remember.
17 First, each defendant is presumed innocent until such time, if
18 ever, that he is proven guilty. The Indictment against the
19 Defendant brought by the Government is only an accusation,
20 nothing more. It's not proof of guilt or anything else. The
21 Defendant therefore starts with a clean slate.

22 The second thing to remember is that the burden of
23 proof is on the Government. No defendant has a burden to
24 prove his or her innocence or to present any evidence or to
25 testify. Since each defendant has the right to remain silent,

1 the law forbids you from arriving at your verdict by
2 considering that a defendant may not have testified.

3 The third special rule about criminal cases is that
4 the Government must prove each defendant's guilt beyond a
5 reasonable doubt. I'll give you further instructions on this
6 point later, but just bear in mind that the criminal case
7 standard of proof is different and considerably higher than
8 that in a civil case, and I understand some of you may have
9 had experience on civil juries.

10 Now, a few words about your conduct as jurors. I
11 instruct you that, during the trial, you are not to discuss
12 the case with anyone or permit anyone to discuss the case with
13 you. That means that you're not to talk about the case among
14 yourselves or with anyone -- friends, relatives, people you
15 pass on the street -- no one. It's very important for you to
16 keep an open mind throughout the entire case. It's very easy
17 to make decisions when you've heard only a part of the case or
18 only a few witnesses, and, if you begin to discuss and
19 deliberate, then positions harden, and you begin to become wed
20 perhaps to certain positions or opposed to others.

21 I need you to keep open minds throughout the entire
22 process. The best way to do that is not to discuss the case
23 with anyone during the course of the trial. If somebody tries
24 to discuss the case with you, don't discuss that among
25 yourselves. Tell Ms. Arrington. Tell Mr. Giordano. Tell me

1 about that. We'll take care of the matter. But, again, no
2 discussions among yourselves or with anyone else about the
3 case. Until you retire to deliberate at the end of the case,
4 you are simply not to talk about the case at all.

5 I also ask you to have no contact outside of the
6 courtroom with the parties, lawyers, or witnesses in the case.
7 You're on the jury because all of us believe that you will try
8 the case fairly; however, the case has to appear to be tried
9 fairly as well. I think you know how you would feel if you
10 were a defendant and you saw a juror talking to the prosecutor
11 or a prosecution witness. You'd think something bad is going
12 on, or if you were a prosecutor and you saw a juror talking to
13 a defendant or Defense attorney. So, if you ignore them
14 outside of the courtroom, they will understand that you're not
15 being unpleasant. They will understand that you are
16 maintaining the appearance of fairness by having no
17 communication with them outside of the courtroom.

18 Now, here, inside the courtroom, where everyone can
19 see what's going on, feel free to exchange pleasantries or
20 morning greetings with anyone here, because, again, it's open
21 and we can all see it, but, outside of the courtroom, no
22 contact. Don't ride the elevators with anyone connected with
23 the case. Don't lend money for the soda machines to anyone
24 connected with the case. Again, no contact at all.

25 We will begin each day at 9:30 a.m. We will have a

1 morning break of about 15 to 20 minutes. This will generally
2 start sometime between 11:00 and 11:30. Unlike today, our
3 usual lunch hour will be from 1:00 p.m. until 2:00 p.m. We
4 will have an afternoon break of about 15 to 20 minutes, and
5 this will usually begin sometime around between 3:00 and 3:30.
6 I will try to keep you here no later than 6:00 p.m. every day.
7 We will not sit on Fridays. I think, if we keep to this
8 schedule, we will be able to finish the case in three weeks.

9 The trial is about to begin now. First, the
10 Government will make an opening statement, which is simply an
11 outline to help you understand the evidence as it comes in.
12 Next, the Defense attorneys may, but they don't have to make
13 an opening statement, because, remember I said there is no
14 burden on the Defense to do anything in the case.

15 The Government will then present its witnesses, and
16 counsel for the Defendants may cross-examine those witnesses.
17 Following the Government's case, the Defense attorneys will
18 then make the decision whether to present witnesses whom the
19 Government may cross-examine, or other evidence.

20 After all the evidence is in, the attorneys will
21 present their closing arguments to you to summarize and
22 interpret the evidence for you, and I will instruct you on the
23 law. After that, you will retire to deliberate on your
24 verdict, but, again, remember: Keep an open mind throughout
25 the entire trial.

1 We will first hear from the Government.

2 Mr. Cunningham, will you open?

3 **MR. CUNNINGHAM:** Yes, Your Honor. Thank you.

4 **THE COURT:** Mr. Cunningham has promised to take no
5 more than one hour of your time, so I will watch the clock for
6 you. Please give him your full attention.

7 **MR. CUNNINGHAM:** Sometime prior to early 2008,
8 German Ventura began running prostitutes in the Annapolis,
9 Maryland area. However, he wanted more than simply to run
10 prostitutes. He wanted to monopolize that sector of business
11 within the Hispanic community there in Annapolis. He wanted
12 to become the kingpin of an organization and control the
13 sector of that seamier side of the community.

14 Mr. Ventura used threats of force and violence and,
15 on some occasions, actual violence to create an atmosphere of
16 fear, intimidation, and oppression, and this atmosphere of
17 fear, intimidation, oppression, coercion affected not only
18 individuals outside of his organization whom he was trying to
19 influence, but also the people who worked for him within that
20 organization.

21 Defendant Fuertes was one of his lieutenants, and,
22 for more than a year, he actively assisted Mr. Ventura in all
23 aspects of this sex trade in Annapolis and elsewhere, from
24 supervising the operation of brothels, to transporting some of
25 the women who worked for him, to helping in the campaign to

1 eliminate the competition.

2 As Judge Quarles introduced us earlier this morning,
3 my colleague and co-counsel, Ms. Yasser, and I are Assistant
4 United States Attorneys, and it's our responsibility and
5 privilege to represent the United States. As the Judge said,
6 we will present the testimony of witnesses and the production
7 of evidence relevant to this case. We are assisted by his --
8 and that stands for Homeland Security Investigations --
9 Special Agent Ed Kelly. He's been designated a case agent in
10 this matter. In addition, we're assisted by a number of
11 different law enforcement officers, some of whom will testify
12 in the proceeding and present evidence that will reveal the
13 Defendant's, Fuertes and Ventura, for the exploitive kind of
14 criminals that they are.

15 For those of you who have previously served on a
16 criminal jury trial, as the Judge said, this is the opening
17 statement, and it's intended to give you an overview of the
18 presentation of the case, what you're going to see and hear as
19 we call witnesses and put the evidence in.

20 Now, certainly, within one hour, I don't intend to
21 be able to summarize all of what we expect is going to take us
22 almost two weeks to present in the form of testimony and
23 evidence. It's not everything, and not every piece of what
24 ultimately will be the large picture in this case is going to
25 be illuminated during this brief synopsis, but hopefully what

1 you will have is the framework within which to receive that
2 evidence, to understand why something that you hear as
3 testimony will ultimately be relevant in your assessment of
4 the evidence and how you put everything together to reach your
5 conclusions.

6 You've heard the expression "human trafficking" or
7 "sex trafficking" in the preliminary statements, and often we
8 will use that term, "trafficking," in the context of some kind
9 of other illegal commodity. No doubt you've thought of drugs
10 or contraband, guns in the context of trafficking. Well,
11 human beings are the subject of the trafficking in this case.
12 That's what Ventura and Fuertes trafficked in. They made
13 their money off of women who have sex with men for money.
14 It's exploitive, it's degrading in the basest way, and, for
15 good reason, it's illegal commerce.

16 Now, let me tell you a little bit about the sex
17 trade within the Hispanic community. There are some
18 differences than what you might be familiar with. Basically,
19 Ventura ran his sex-trade operation largely by conducting
20 business in brothels, at which men could come, pay their
21 money, and have sex with women within that location.

22 The other predominant business model in this trade
23 was where men who were running prostitutes would deliver the
24 women to a particular location, and often there may be several
25 men at that location with whom the prostitute was expected to

1 have sex for money. It's a call-out kind of operation.

2 In either case, this isn't the stuff of movies.
3 Probably the most commonly-known movie addressing that subject
4 of prostitution is *Pretty Women*, and I can assure you this is
5 not a situation where an attractive Hollywood streetwalker
6 gets connected with a wealthy man who rescues her from that
7 life of desperation and takes her off to operas and jet plane
8 rides or anything of that nature. It's not the stuff of
9 stories like the ex-governor of New York who was having trysts
10 with women at the price of several thousand dollars a night.

11 On the contrary, as I've used the term, this is a
12 much seedier, seamier side of life. Virtually all the women
13 who were trafficked and employed in this particular business
14 were within the United States without authority. We use the
15 term "illegal aliens." It's not intended to be offensive or
16 anything like that, and perhaps it's the shorthand form here
17 for individuals who were in the United States without
18 documentation, and, to the extent that some of them may have
19 come to the United States hoping to escape the more
20 hardscrabble lifestyle in their home countries, what they
21 found at the hands of Defendants Ventura and Fuertes can
22 hardly be described as the American dream.

23 These women were put to work -- and you'll see
24 pictures of this, and you'll hear testimony about this -- in
25 rather squalid conditions -- low-cost, low-income rental

1 units, often with virtually nothing -- none of the
2 appurtenances of a home, sometimes sparsely furnished in one
3 area where the men might sit and watch television while they
4 waited for their turn to be serviced, but the women would
5 often be in one of two bedrooms, sometimes maybe only in one
6 bedroom where there was evidence of a partition with some sort
7 of temporary thing, but, if they were in a bedroom, typically
8 they were on a mattress that was on the floor. Sometimes they
9 might have been lucky enough to have some sort of sheet
10 covering that mattress. The windows were dark and usually
11 covered by a sheet or some other dark material. So the rooms
12 are dark, virtually nothing there suggesting that this is any
13 kind of a residence.

14 And these women are made to spend hours on their
15 back, sleeping with strangers, and the typical commodity was
16 15 minutes, \$30. Sometimes these women were expected to and
17 did have sex for money with as many as 20 men a day. A good
18 week -- and that constituted generally six days of work --
19 might be as many as a hundred customers in a week.

20 The typical thing was for Mr. Ventura, Mr. Fuertes,
21 or one of the men that worked for them to pick up the women on
22 a Monday morning. Often they would come in from another
23 location. They weren't already working in one of
24 Mr. Ventura's brothels. They would come in from another
25 location, often by bus, Washington, D.C., where they'd be

1 picked up and transported to one of the brothels, in time to
2 start working that Monday, and they were expected to work
3 through the following Saturday, or six days. Most of the time
4 they got off on Sunday, only to turn around and travel to
5 another location, sometimes to one of Mr. Ventura's brothels,
6 and sometimes either to return to where they came from, or to
7 someone else's brothel to begin the process all over again.

8 Often, when they were in the brothel, they weren't
9 permitted to leave. If they wanted food, one of the workers
10 would go get it for them. If they needed supplies -- and
11 you'll hear the term basically the tools of the trade included
12 condoms, included lubricants, alcohol to clean, and paper
13 towels to clean, and you'll see lots of evidence of this, and
14 you'll see plenty of pictures of it, but one of the men went
15 to get this. The women stayed there. They had very little
16 mobility.

17 The proceeds of the illegal activity were collected
18 by the men, or the man, at the front door. Generally
19 speaking, there were tally sheets or some way in which there
20 was an accounting for how many customers a woman saw in a
21 given period of time, and those tally sheets -- and, again,
22 you're going to see plenty of examples of these tally sheets.
23 I don't speak Spanish either, and I don't -- I should be able
24 to tell you, but I don't know exactly what the days of the
25 week are in Spanish, but, on many of these tally sheets,

1 you'll see six or seven letters that correspond in Spanish to
2 Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, with
3 numbers beside them, which is very evident as to what's going
4 on in the tally sheet. Typically there were two women working
5 in a brothel at a given time, and that's how the tally sheets
6 looked: Two columns, six dates, and a bunch of numbers,
7 consistent with how many women (sic) they served.

8 At the end of the week, the accounting was done, and
9 the woman would get or was supposed to get half of the
10 proceeds for this activity, but that was after money was
11 subtracted for what was spent for her food and for any
12 supplies that she needed.

13 Ventura typically had to pay for the other men who
14 worked in this operation and helped him by doing everything,
15 as I have indicated, from picking the women up and
16 transporting them, to distributing business cards, and, again,
17 you'll see plenty of what these are. It's not like it says
18 come to, you know, German's brothel at [REDACTED] with a phone
19 number. There is a subtle message in these cards, and
20 witnesses will tell you that, as they were distributed to men
21 within the Hispanic community -- and, by the way, if I didn't
22 make it clear, virtually all of these customers were Hispanic
23 males. Almost all of the employees within Mr. Ventura's
24 business were also illegal aliens.

25 So, when they were out distributing these business

1 cards, they would pass them out to the men, and there was, if
2 not an unspoken code as to what they meant, there would be at
3 least some subtle or direct association with exactly what the
4 cards were.

5 Even in that respect, you'll learn that Mr. Ventura
6 didn't always pay the people that worked for him what he
7 promised that he would pay, but, no doubt, Mr. Ventura got the
8 cut that he expected from this illegal activity.

9 Now, during the time period in the charts, which
10 essentially is early 2008 through November of 2008, you're
11 going to be presented evidence that reflects the scope of the
12 operation run by Mr. Ventura. Essentially this is a
13 demonstrative aid that identifies individuals and locations,
14 and what you're going to learn is that, over the course of
15 this more-than-two-year period of time, he operated brothels
16 in a variety of different locations, both within the
17 Annapolis, Maryland area, and specifically the [REDACTED]
18 [REDACTED], the [REDACTED], the [REDACTED] location,
19 the [REDACTED] location, as well as the [REDACTED], and the
20 [REDACTED] locations are all operated within the Annapolis,
21 Maryland area.

22 There are two other locations you see on there.
23 Directly below the image of Mr. Ventura is a [REDACTED]
24 location. That's in Portsmouth, Virginia. In addition, you
25 see a location on there that says [REDACTED], and that's over

1 in Easton, Maryland.

2 There are images here of a number of individuals, of
3 course including Mr. Fuertes, who is one of Ventura's
4 essentially top lieutenants, as well as Luis Reyes, and other
5 individuals, whose names you'll hear and some of whom will
6 testify, were employed in the operation of the brothels.

7 Now, lest the demonstrative diagrams suggest that
8 this was some sort of absolute military hierarchy, let me tell
9 you that it's not quite as defined and clear as the straight
10 lines on that chart, but the investigation will reflect the
11 scope of this operation by Ventura with the assistance of
12 Mr. Fuertes.

13 So what exactly is this law enforcement
14 investigation about which I have spoken? It had its genesis
15 in September, on September 13th of 2008, with the execution-
16 style murder of Ricardo Ramirez Rivas, a man in the same
17 illicit business as German Ventura. This murder occurred in
18 Annapolis, Maryland, in close proximity to where some of the
19 brothels are operated, and Detective Jeff Hartlove with the
20 Annapolis Police Department was assigned to investigate that
21 murder.

22 Now, like virtually all other criminal
23 investigations, he employed the kind of investigative
24 techniques -- the skills, the knowledge, expertise -- that he
25 and his fellow officers have and bring to a particular

1 investigation. They gather information from individuals, from
2 suspects, from the street. It's intelligence gathering. They
3 plug the data into various databases to try to assess the
4 importance of different pieces of information that come to
5 their attention.

6 They go out, and they talk to people, including
7 people they believe are suspects in a particular crime, and,
8 as I have indicated, they employ certain technical
9 capabilities that are available to them, including
10 surveillance capabilities and monitoring of certain
11 information about the Defendants or the suspects as it may be.

12 The results of an investigation are really the
13 amalgam of information that come to the attention of law
14 enforcement, both because of their focussed efforts, and, as
15 you're going to learn in this case, the sometimes coincidental
16 independent activity of other law enforcement officers. It
17 may be, as you will learn, that there is just the coincidental
18 arrest of somebody who is otherwise the subject of an
19 investigation that develops information that sort of dovetails
20 with the ongoing investigation, and that's exactly what
21 happened in this particular case.

22 In the days after Rivas' murder, a woman identifying
23 herself as his girlfriend provided information to
24 Detective Hartlove that he had received certain threatening
25 communications, phone calls, prior to his murder. Now,

1 whether or not he actually had, that didn't matter --
2 shouldn't say it didn't matter. That wasn't the significant
3 thing at that point to Detective Hartlove. What he did,
4 though, was he took the information. He took the phone
5 numbers that were given to him by this woman, and he plugged
6 them into his database.

7 This is one of the first steps. Of course he's
8 gathering information. I mean, the police responded to the
9 scene of the murder. They're gathering evidence there. There
10 is all kinds of efforts to analyze that information, to speak
11 with people who are potential witnesses, but, for the purposes
12 of this case, it was those phone numbers that he was given
13 that -- or that phone number -- excuse me -- that essentially
14 triggered the association that led to this case. First
15 coincidence.

16 Less than two weeks later -- in fact, on
17 September 24th, so eleven days later -- Defendant Fuertes is
18 arrested by another Annapolis Police Department officer for
19 operating a vehicle that had a defect, and they came to find
20 out that he was operating it without a license. He's taken
21 into custody, and, as a result of that, there is the standard
22 booking inquiry of him as to your identity, who you are, and,
23 after initially lying about who he was, they got the
24 information as to his identity.

25 Now, let me take an aside right now and tell you

1 something about identity in this case. There will come a
2 point in time, I think, when you'll be more fully advised by
3 Judge Quarles as to the nature of the charge and the
4 identities used by the Defendants in this case, and they're
5 charged with certain aliases, and what the investigators
6 discovered and you're going to learn is that true identity and
7 used identity are frequently interchanged by members within --
8 particularly within the Hispanic community who were engaged in
9 this human-trafficking or sex-trafficking business, and this
10 was an occasion where Defendant Fuertes initially identified
11 himself as somebody else, Wilson Portillo, and eventually came
12 around to identifying himself as Mr. Fuertes, and, as a result
13 of that, he provided a telephone number, and, low and behold,
14 the telephone number he provided comes back to
15 Detective Hartlove the very next day as one of the numbers
16 that he had entered into his database, because the woman who
17 said that Rivas had gotten these phone calls prior to his
18 murder provided it.

19 Upon further inquiry, investigation,
20 Detective Hartlove learned that that was a number that
21 Mr. Fuertes had used months earlier in another traffic stop,
22 so there is this association starting in the context of his
23 investigation.

24 I did digress and talk to you about names. I
25 neglected to tell you that what you'll learn in this case is

1 that both Defendant Ventura and Defendant Fuertes were
2 principally known by witnesses by what -- nicknames, if you
3 will. For Defendant Ventura, he was primarily known by the
4 nicknames Chino or Pancho, among others. There were certainly
5 several different nicknames at different times that people
6 knew him by. As I said, he doffed and donned identities as
7 the circumstances suited him over the course of these more
8 than two years.

9 Defendant Fuertes -- and we call him Fuertes, and
10 that's the name by which he's been indicted, but he's also
11 identified as Kerlin Fuentes in a number of the documents
12 charging with, for example, the traffic citations in Annapolis
13 Police Department, and there are identity documents that he
14 has -- in fact, that may be the more proper name for
15 Defendant Fuertes is Fuentes, but his most common alias, if
16 you will, was Flaco.

17 Now, the arrest of Mr. Fuertes on September 24th of
18 2008 led to a series of other law enforcement activities that,
19 again, weren't necessarily coordinated, but, in the end,
20 produced information and evidence implicating both Ventura and
21 Fuertes in the human-trafficking crimes.

22 First, there were searches, not only of
23 Defendant Fuertes on the day that he was arrested, but there
24 was a subsequent inventory search of the car that he was
25 driving from which police recovered a number of items

1 indicative of his involvement in the sex trade -- things like
2 condoms. They were Crown condoms, and you'll learn that Crown
3 condoms are somewhat different than the typical condoms that
4 may be purchased in a pharmacy. They're usually not sold in
5 the retail sector and are more often bought in bulk, and you
6 will see bulk quantities of Crown condoms that are indicative
7 of sex trafficking within the Hispanic community.

8 In addition to some of the condoms, there were those
9 business cards. They too are almost ubiquitous. In almost
10 every place that is searched by police over the course of the
11 investigation, they find some kind of business cards.
12 Detective Hartlove also found a machete in the car. They also
13 searched the place where Mr. Ventura -- excuse me --
14 Mr. Fuertes was staying at that time, or at least the place
15 that he said that he was staying, and that was the [REDACTED]
16 [REDACTED] location.

17 You may recall from the chart that I put up, that
18 was the chart -- excuse me -- the location on the very left
19 side. That chart had something of a chronological flow from
20 left to right over the course of the more than two-year
21 investigation. [REDACTED] in Annapolis -- and, for
22 those of you who have familiarity of Annapolis, over in the
23 Eastport area of Annapolis -- was the first location that was
24 searched, and, when they went in, they discovered all of the
25 indicia of a brothel at that location, and this is the first

1 time that they had an encounter with a woman named Esmirna
2 Rebeca Dueñas Franco. I'll return to Ms. Franco in some
3 detail later, but, during the course of that search, she was
4 encountered, along with other individuals working within that
5 particular brothel.

6 I've told you the kind of evidence that they derived
7 and that they were subsequently able to piece together, and
8 here is where it sort of begins: They found cell phones, and
9 they seized cell phones, and they employed their technical
10 capabilities to analyze these cell phones. You're going to
11 hear from witnesses -- Detective Hartlove, Special
12 Agent Kelly -- the use of the term, among others, Cellebrite.
13 It's a capability they have to take a cell phone, to plug it
14 in and look at the data that's included in the cell phone, the
15 contact lists, the phone numbers that are in there. Sometimes
16 they can derive from that frequency information -- the
17 frequency of phone calls that are made.

18 And this is where the network of connections begins.
19 We didn't put the lines on that chart, but you will have -- at
20 the conclusion, the Government intends to introduce some
21 summary charts for you that reflect that network of phone
22 communications between what ultimately were the large number
23 of telephones that were seized, several discrete phone numbers
24 that were associated with Ventura, several discrete phone
25 numbers that were associated with Fuertes, and you'll see the

1 connectivity between those individuals and the brothels,
2 because there were phones associated with the brothels.

3 The business cards, they have a phone number. You
4 call up the phone number, may not even tell you where the
5 brothel is located. Say a few words, and you're told where
6 the brothel is, and the would-be customer can go, gives his
7 \$30, and gets his 15 minutes of sex.

8 When the officers learned of what the numbers were
9 associated with some of these brothels, they undertook another
10 technique. They used people working with them to make
11 consensually-monitored phone calls to the suspected brothels
12 to find out if, in fact, they were operating. There were
13 certain consensually-monitored phone calls made to numbers
14 associated with Defendant Ventura, or they listened in with
15 the consent of somebody who had come to their attention to
16 calls received from numbers associated with Ventura.

17 Again, this helped them to learn the location of
18 brothels, but this is really where they derived the evidence
19 of the threatening, intimidating atmosphere perpetrated by
20 Ventura and elsewhere that he was assisted in creating by
21 Defendant Fuertes.

22 This telephone number analysis used by law
23 enforcement was also important in illuminating for them
24 another practice you'll learn about, which apparently is
25 relatively common among these men within the Hispanic

1 community who operate brothels, and that is they would
2 periodically tell the police -- call up the police and tell
3 about one of the competitors, you know, report some kind of
4 criminal activity, a location where they hoped the police
5 would respond and disrupt the business of a competitor,
6 obviously hoping that the competitor's lost business would
7 derive to their commercial gain.

8 Those 911 calls, several of them are captured, and
9 you'll hear several of the phone calls made. Some people more
10 familiar with Defendant Ventura's voice will identify him as
11 the likely caller. The number associated with the 911 call
12 comes back associated with Defendant Ventura through a variety
13 of those technical analytical means, not only subscriber
14 information where the telephone company provider identifies
15 who it is that subscribes to a phone, but also when we find a
16 notebook of one of the female employees that has Chino or
17 Pancho and the number associated with it, or Flaco and a
18 number associated with it.

19 As I said, this interlocking network of phone calls
20 would basically absorb a chart if we were to plot each of the
21 sometimes thousands of different phone calls that were
22 analyzed by Detective Hartlove, Special Agent Kelly, and their
23 colleagues. In addition, one of the techniques that the law
24 enforcement officers employed was to use location monitoring
25 on the telephone -- on certain telephone devices themselves.

1 This helped them to identify where the suspected phone was
2 generally located, or at least within some proximity from
3 which they, in turn, would then engage in direct physical
4 surveillance of the suspects in this case --

5 Defendant Ventura, Defendant Fuertes, and the other -- some of
6 the other men whose pictures were on the demonstrative aid.

7 There are thousands of photographs that were taken
8 during the course of days of surveillance. Some of those have
9 been selected, and, during the testimony of Detective Hartlove
10 and other officers, we'll introduce them to illustrate the
11 account as they watched during the surveillance while Ventura
12 would sometimes transport a woman from a Maryland location to
13 a Virginia location, or within Maryland from one location in
14 Prince George's County to Annapolis, or over to Easton, or, on
15 one occasion, Defendant Ventura is observed driving the
16 vehicle frequently associated with him, and he's got a
17 mattress on top of the vehicle, and they -- and he parks in
18 close proximity to [REDACTED] in Easton, and, sure
19 enough, there is pictures of Ventura and some of these other
20 men working for him toting this mattress into [REDACTED], and
21 you'll hear of the myriad evidence that was seized by officers
22 when they effected the -- essentially a search, seizure, and
23 arrest of individuals at that location on July 7th of 2010.

24 Now, let me briefly give you an overview of the
25 charges in this case. The first charge is a conspiracy count,

1 and essentially what this is, is an allegation that
2 Defendant Ventura, Defendant Fuertes, and other individuals
3 not charged in the Indictment essentially knowingly agreed,
4 either expressly or impliedly, to break the law, by engaging
5 in interstate prostitution or enticing women to travel in
6 interstate commerce for purposes of illegal sexual activity,
7 and this crime captures the relationship between Ventura and
8 Fuertes and those other individuals, and it's in addition to
9 the substantive crime of transporting or enticing the women to
10 come for illegal sexual activities, and the law recognizes
11 that, when two or more people agree to commit another crime,
12 regardless of whether they commit it, if they do something in
13 furtherance of that, that in and of itself is a crime and a
14 reason to be responsive.

15 There are three counts of violating what we call the
16 Mann Act, or essentially transporting or causing the transport
17 of women in interstate commerce for the purpose of engaging in
18 some sort of illegal sexual activity; in this case,
19 prostitution. It's a pretty straightforward count. The
20 surveillance that I've alluded to reflects the movement of
21 women between different locations -- the District of Columbia
22 and Maryland. You'll hear testimony about a woman who
23 traveled from New Jersey or the New York vicinity to Maryland
24 to engage in prostitution, and, in fact, she is actually the
25 subject of another charge, which is a separate enticement

1 count, because she will testify that it was through a
2 telephone conversation with Ventura that she was essentially
3 engaged by him to come to Maryland and function as a
4 prostitute in one of his brothels. It's another example of
5 the exploitive kind of behavior and conduct of the Defendant
6 to make money in the degrading treatment of another person.

7 Count 6 of the Indictment is a human trafficking
8 count. Essentially this is the crime or the count that
9 involves what we call force or fraud or coercion, and they're
10 charged with sex trafficking by force, fraud, and coercion, or
11 coercion, and it captures what we have been speaking about in
12 the context of Ventura principally, but with the assistance of
13 Fuertes and other co-conspirators, as aiding and abetting him
14 in exploiting the vulnerabilities of these women to cause them
15 to perform sex for money and to use fear of physical violence,
16 to use threats of actual force and, in some cases, to actually
17 use physical violence or force to compel someone to work in
18 this sex-for-money trade. That one person in particular is
19 Rebeca Dueñas.

20 Now, to be sure, not all of the prostitutes who were
21 subjected to this exploitation I've alluded to -- some of
22 them, maybe even most of them would report that they worked in
23 this sector without being compelled or without being coerced
24 by Ventura, Fuertes, or other men, but, as we expect you'll be
25 instructed regarding that element of force, fraud, or coercion

1 necessary to support this crime, it does indeed encompass the
2 very conduct of Ventura and Fuertes, at least with respect to
3 Ms. Dueñas -- that atmosphere of control, fraudulent
4 representations, inducements, intimidation, threats, and
5 periodically violence when Ms. Dueñas failed to comply with
6 his edicts.

7 Ms. Dueñas, you'll learn, had a somewhat different
8 status with respect to Mr. Ventura than a number of the other
9 women. She came to this country as a young girl and
10 unfortunately fell in with the wrong crowd. She'll tell you
11 that she came to know Mr. Ventura, and he essentially promised
12 her a better life if she came with him, and, for a period of
13 time, things were better until one day when he tossed a box of
14 condoms at her and essentially indicated that, you know what
15 this means; it's time to get on your back again and start
16 working.

17 At that time, Ms. Dueñas had a little girl, a
18 daughter. She was hardly more than a young girl herself, and
19 she went back into the sex-trade business, and, when she
20 protested or when there were indications that she didn't want
21 to do it, that's when the fear, the intimidation, the threats
22 were imposed upon her. He controlled her. There were times
23 when it may have appeared to her that there was a certain
24 measure of affection, and there were times when she enjoyed
25 something a little different than or maybe a little better

1 than some of the other women, but those were juxtaposed
2 against that dominating, controlling kind of posture that he
3 took with her. He lulled her into illusory notions about her
4 ability to get her child back. The child that I talked about,
5 she lost because it was discovered that the child was
6 essentially unattended, and the child was taken from her.

7 He told her that he would help her get the child
8 back and continued to work her as a prostitute. He moved her
9 around. There was a search at a location -- and I -- I'll go
10 through real quickly for you a number of different searches.
11 I started off with the fact that there was a search at [REDACTED]
12 [REDACTED] back in September. There was a search of a
13 vehicle in March of 2009. There is a search at another
14 brothel operated by Defendant Ventura at the [REDACTED]
15 location. Let me put up a map for you here.

16 This is a map we do intend to offer into evidence,
17 and it plots -- with the exception of the [REDACTED] location,
18 it plots the different locations within the Annapolis area of
19 the brothels. I mentioned, in March, there was a search
20 executed at the [REDACTED] location. Subsequently
21 Ms. Dueñas was taken to two different locations in the
22 southern part of Baltimore City, on [REDACTED] and [REDACTED]
23 [REDACTED]. At one location, she was again -- she was isolated,
24 kept there, limited in her movements, and compelled to work as
25 a prostitute there.

1 You'll hear from the landlord, Mr. Kim, who rented
2 that residence to Mr. Ventura. She was, within a few weeks,
3 moved to another location not far from there, and then she was
4 set up in a location down in Prince George's County where
5 ultimately police executed a search warrant in November, but,
6 to go back to the locations of brothels that I indicated,
7 there were no searches of those two locations in Baltimore.

8 The next location at which police searched on
9 September 1st, they went to [REDACTED]. They were looking for
10 Defendant Fuertes. There was a warrant out for his arrest.
11 They went there looking for him. They didn't find him, but
12 they found indicia of a brothel. They went in searching for
13 Mr. Fuertes, and that was at [REDACTED]. They found indicia
14 there that there was a brothel operating again back at [REDACTED]
15 [REDACTED], so they went there, and, again, there was another
16 search.

17 Now, [REDACTED] introduces yet another kind of
18 this intimidating atmosphere that was the product of
19 Defendant Ventura. There was a couple who lived in an
20 apartment either above or below the apartment at [REDACTED]
21 [REDACTED] that functioned as a brothel, and located -- when the
22 police went to that brothel, they found a woman named
23 Olivia Maldonado, and they took her into custody, booked her,
24 released her, and they asked this family, "Would you take care
25 of her?" She didn't have anywhere to go, and, you know,

1 essentially being nice people, they offered her an opportunity
2 to stay with them for the night. You'll meet one or both of
3 them -- nice Hispanic couple at that location, and apparently
4 Ms. Maldonado asked to borrow a phone to make a phone call.

5 They didn't know who she called, but that telephone
6 analysis and the data derived from that shows she made a phone
7 call to a phone associated with Defendant Ventura, and the
8 next thing, over the next several days, the Escobars get
9 threatening phone calls and property damage -- gasoline or an
10 oil-like substance, inside damage to their vehicle. They need
11 to leave Annapolis. We presume that Defendant Ventura must
12 have thought they called police when, in fact, you'll learn
13 from them they did nothing of the sort.

14 Ms. Dueñas' account of her treatment at the hands of
15 Defendant Ventura is corroborated in some respects by the
16 testimony of other individuals. I indicated that Mr. Kim, who
17 was the landlord of one of the occupations (sic), indicated
18 that the modifications that she talked about as to the rental
19 unit were, in fact, made. In some cases, she wasn't paid the
20 way -- he kept all her money and doled out little, sparse bits
21 of money to her piecemeal, and this fact was likewise
22 corroborated by one of the men who worked for
23 Defendant Ventura.

24 Ms. Dueñas will testify, too, as to the contact she
25 had with Defendant Fuertes in his capacity as one of Ventura's

1 essentially top lieutenants, at least until -- it appears that
2 he left the Maryland area sometime in the mid part of 2009
3 when he was -- that search that I talked about at [REDACTED]
4 [REDACTED] in March of 2009, they had gone there to arrest him,
5 and, at that point in time, he was put in certain Immigration
6 proceedings, but absconded from the jurisdiction of Maryland,
7 apparently went down to Virginia, where he continued to
8 associate with Ventura's operations as they crossed from
9 Maryland into Virginia.

10 Finally, the last count is a charge that Mr. Ventura
11 essentially possessed or used a firearm in conjunction with
12 that crime of sex trafficking, and, again, you'll hear from
13 Ms. Dueñas as to this gun, but she's not alone in her account
14 of Defendant Ventura having a gun. She said he uses that at
15 least one time to intimidate her. You'll hear testimony that
16 he took ownership of other acts of violence with the gun. He
17 showed off the gun. He told a man to pass on his threats of
18 using it, and he sent images of a gun that was, I would
19 suggest, uniquely positioned in a statue -- a statute that's
20 called a Santa Muerte statue. I don't speak Spanish, but I
21 think that I understood that to be angel of death, or
22 something of that nature.

23 You'll see the statue, and you'll see images of how
24 the gun is positioned, and you'll see these images as they
25 were transmitted by text message on telephone to people who

1 were the competitors in the same sex-trade business.

2 That statue -- that Santa Muerte statue, and even
3 the similar background of the pictures that were taken and
4 transmitted in conjunction with these threats were found on
5 November 15th when police went to execute the final round of
6 search warrants. I should add, because I didn't conclude it
7 when I was going through the searches until -- I think I
8 stopped there at September 1st.

9 There were additional searches that were effected on
10 September 24th when Detective Hartlove -- actually, on that
11 occasion, he arrested Defendant Ventura for another matter,
12 searched his person. At that time, there was a search of the
13 location at [REDACTED] in February of 2010, at which time one of
14 Mr. Ventura's employees actually tried to rob the place.

15 Now, before concluding, let me just go through a
16 little bit of the order of the testimony and the witnesses and
17 the evidence that we intend to introduce in this case. I have
18 indicated that the lead investigators were case agent Ed Kelly
19 and Detective Jeff Hartlove. They'll certainly testify.
20 Detective Hartlove, we will call as the first witness. Other
21 police officers are going to testify.

22 Several of the employees at the brothels are going
23 to be called to testify. Specifically, Mr. Ascencio --
24 Carlos Ascencio; an individual named Maximilliano Zelaya
25 Rapalo, and someone named Ferman Martinez. I've indicated, of

1 course, Ms. Dueñas and another woman who came down, the woman
2 I told you about with the telephone from New Jersey,
3 Margarita Santiago.

4 You'll hear from Hector Avila. He was a person who
5 was in the delivery business of prostitutes. In addition,
6 several witnesses who are essentially collateral to the whole
7 operation but were involved simply because of their role of
8 either a leasing person or an associate of one of the
9 individuals in this case. Ginger Duvall, Mr. Kim, Sandra
10 Ravera, they were individuals who were leasing or leasing
11 agents. Carlos Campos was an individual known to
12 Defendants Ventura and Fuertes whose testimony will be very
13 enlightening, particularly with respect to the gun.

14 A third-party citizen who just happened to live in
15 close proximity to where an event occurred on November 3rd of
16 2010, when Ferman Martinez and two other people, at the behest
17 of Defendant Ventura, attacked Hector Avila. They had a
18 shotgun, sort of short-barrelled -- a short-stock shotgun.
19 Mr. Avila was struck with the gun. Fortunately, at least
20 according to Ferman Martinez, there were no shells in that
21 shotgun because, at least according to Mr. Martinez, he'd been
22 commissioned by Defendant Ventura to get rid of Mr. Avila, one
23 of the competitors.

24 That event -- and he was also one of the recipients,
25 by the way, of the photograph of the gun juxtaposed on the

1 Santa Muerte statue. That event, though, essentially caused
2 law enforcement to conclude that it was time to bring the
3 investigative operation to a close, and, on November 15th,
4 they executed search warrants at a number of then suspected or
5 at least one then suspected brothel at [REDACTED], another
6 apartment in the same vicinity, as well as Mr. Ventura's
7 residence and an apartment location or a basement living
8 location that he had leased and where Rebeca Dueñas was living
9 and sometimes he stayed.

10 I've already told you about most of the evidence the
11 Government expects will be introduced in this case -- the
12 tools of the trade. It's not visible to you now, but there
13 are several boxes worth of evidence that has been culled from
14 the larger assortment of things that were seized by officers
15 to include all the indicia of the sex trade and the fact that
16 indeed these locations were functioning as brothels at the
17 time law enforcement officers entered them. Many pictures,
18 the shotgun that I mentioned. There are several machetes that
19 were recovered during the search, and of course, very
20 tellingly, those documents -- those little pieces of paper and
21 cards and things that, standing alone, and probably an hour
22 ago, had you been told about or shown, might not have meant
23 anything to you, but, when you see them, you'll understand the
24 significance of why a sheet with two columns with the name of
25 a woman or two people at the top of the column with six

1 numbers down it and calculations is, in fact, a tally sheet
2 indicative of the sex trade.

3 I began by speaking of exploitation and degradation
4 of other people, and, at its base, that's what this case is
5 about -- the exploitation and degradation of people, primarily
6 the women who were working in this trade, or forced, at least
7 in one occasion, to work in this trade for the purpose of
8 lining the pockets of Defendant Ventura and Defendant Fuertes
9 with the proceeds of this activity.

10 At the conclusion of the case, the Government is
11 confident that you'll return a verdict that accurately reveals
12 them to be what we have said they are -- the kind of men they
13 are, and find them guilty of these crimes for which they have
14 been charged.

15 Good afternoon.

16 **THE COURT:** Thank you, Mr. Cunningham.

17 Mr. Ruter?

18 **MR. RUTER:** Your Honor, thank you very much.

19 **THE COURT:** Mr. Ruter has promised to take no more
20 than 15 minutes. So, again, I will watch the clock for you.
21 Please give him your full attention.

22 **MR. RUTER:** Your Honor, may it please the Court.

23 Good afternoon, ladies and gentlemen. My name is
24 Gerry Ruter, and I've been appointed to represent Mr. German
25 de Jesus Ventura, and I'm honored to be here, and I'm more

1 honored to be in front of all of you today.

2 The history of the jury system in this country
3 predates the history of our country by a long time. Around
4 963 A.D., there was a king of England, and his name was
5 Ethelred the Unready. It was his actual name, and he became
6 king at about the age of ten. He got a little bit older and
7 understood the powers that he wielded. He decided to create a
8 system which originated with what are called thegns,
9 T-H-E-G-N-S. They're minor noblemen that served underneath
10 him, and they were given responsibility in each district --
11 they were called a wapentake -- to go into their wapentakes
12 and to investigate any disputes between those citizens that
13 lived in that particular district, and, if there be any crime,
14 they were ordered to investigate them without bias, and they
15 did that.

16 And that system continued for some period of time
17 until King Henry II came along in the 12th century, and he
18 decided that he would continue the system with some
19 differences. Rather than have these minor nobles go out and
20 investigate, he ordered that all free men, getting closer to
21 all of you here today, should serve the function of those
22 minor nobles that served under Ethelred the Unready, and they
23 were to go out in the community and attempt to resolve
24 disputes in the community as well, and, if they should find
25 crime, they should investigate it, and they should of course

1 report back to the king, and they did.

2 And that system continued on until about the 14th
3 century when King John of England actually established a jury
4 system of twelve individuals, and they were, however -- when
5 they heard evidence that was brought before them, they were to
6 decide whether or not a person was guilty, if a crime was
7 actually at issue, based upon lawful judgment of that accused
8 peer, and that system continued on for some period of time
9 until later kings and nobles became, shall we say, weary with
10 the power of the normal everyday citizen, and so the system
11 that the kings prior -- Ethelred, King John, and Henry -- had
12 established fell into disuse, and in its replacement was the
13 Star Chamber, which you all, I'm sure, have heard of, and it
14 was a very heavy-handed, egregious situation where the king
15 himself or his privy counsel would decide the fate of their
16 citizenry, and that went on until July 5th of 1641 when the
17 Star Chamber was abolished by act of the king.

18 That system of July 5th, 1641 ultimately found its
19 way into the U.S. Constitution and our Bill of Rights, the
20 first ten amendments to our Constitution, which were passed
21 and ratified by the States in 1789, and one of those things in
22 the Bill of Rights guarantees this man the right to a jury of
23 his peers, and that's all of you. So I am honored to be in
24 front of you, you being now the -- I'm not very good with
25 math. There is 20 generations or longer, some 13 centuries of

1 people like you sitting in judgment of your citizen.

2 Mr. Ventura is one of them.

3 Mr. Cunningham has indicated that this case is about
4 prostitution and it's about Mr. Ventura using females to his
5 financial benefit and using force and intimidation and
6 coercion to make that happen based on that alone, and then
7 also on his competitors allegedly. You're going to hear a lot
8 of evidence -- there is no question -- about people being
9 involved in prostitution, and you're going to hear evidence
10 that Mr. Ventura, in fact, was involved in the prostitution
11 trade.

12 This case is not a fun case. The topic is not a
13 nice topic. We took over three hours to seat you today
14 because we wanted to make certain that we received the fairest
15 jury we could who would not be taken back by the subject
16 matter of this case. I can't imagine that any of us in this
17 room would be happy by the testimony that you're going to
18 hear, and we are confident that you will separate the
19 activity. It's criminal. It's the basest of morality. There
20 is no apparent value system. All that is true, but that's not
21 what Mr. Ventura is charged with.

22 He's charged with conspiracy to be involved in sex
23 trafficking. You have to decide whether or not the evidence
24 convinces you beyond a reasonable doubt that he was so
25 involved, and I repeat: You're going to hear evidence that he

1 was. You're going to hear a statement that he gave on
2 November 15th of 2010. It was a very lengthy statement, and
3 he admits to the authorities that he, in fact, played a role
4 in the prostitution industry in Annapolis.

5 Where we part from the Government is on the issue of
6 whether or not Mr. Ventura used force or coercion or the
7 threats of violence against these women that were involved in
8 the prostitution. The Government says that he was, and they
9 think they have evidence to prove it. We're asking you to
10 test that evidence and decide whether or not you believe it
11 beyond a reasonable doubt and to a moral certainty.

12 What I think that you're going to find in this case
13 is that -- you're definitely going to hear from various
14 witnesses. Mr. Cunningham is certainly clear there is
15 evidence -- people are going to come up here, and they're
16 going to take that witness stand, and they're going to say,
17 one or more, that they were coerced, or they were forced, or
18 they were enticed, but that doesn't make it so just because
19 they say it.

20 I would take by illustration Rebeca Dueñas Franco.
21 Ms. Franco was interviewed by the police, by law enforcement,
22 by Special Agent Kelly here and Detective Hartlove -- you'll
23 see him -- I want to say a total of five times over the course
24 of a couple of years, and what was she asked about? Well, she
25 was asked about the prostitution that she kept on doing,

1 because they'd go here and she'd be there, and they'd go over
2 here, and she'd be there. They'd haul her in, and she'd talk
3 to them and then tell them what they didn't want to hear
4 during the first interview, and then, at the second interview,
5 she'd tell them a little bit of something else, and, during a
6 third interview, she might tell them a little bit of something
7 else until they finally got what they think they wanted from
8 Ms. Franco.

9 We will demonstrate that by either direct
10 examination through counsel or when I get a chance to question
11 Ms. Franco. Why did her testimony morph or change
12 dramatically over the course of time? Well, we would submit
13 to you that it did because, in the prostitution trade,
14 everybody lies. Everybody is niggling. Everybody doesn't
15 want to tell exactly what's going on. Everybody has secrets.

16 In the case of a woman like Ms. Franco, not only
17 does she have secrets; she wanted to stay in this country, and
18 this case is more about the murder of Mr. Ramirez on
19 September 13th, 2008 than it is about prostitution. That's
20 why Special Agent Kelly got involved in this case. If they
21 wanted to end the prostitution ring, they could have arrested
22 that man in 2008 and convicted him most likely; in 2009 and
23 convicted him; in 2010 and convicted him.

24 Well, why didn't they? They didn't because they
25 wanted to prove that he had murdered somebody -- Mr. Ramirez,

1 in 2008. Well, let me tell you something, folks. If this
2 U.S. Attorney's Office thought that they could prove that
3 Mr. Ventura murdered anybody, it would be Count 1 in this
4 Indictment, and you can write that down.

5 Well, it's not in the Indictment, and you know why?
6 Because they can't prove it, but they tried, 2008, 2009, 2010,
7 so, if they can't prove that murder, by golly, they want to
8 bring some evidence in here to mess up the waters to convince
9 you that, because Mr. Ventura, maybe once or twice, didn't
10 disclaim that he had not ordered somebody murdered, that
11 therefore he must, in fact, have ordered it.

12 I don't think that a negative and a negative create
13 a positive, but that's the way the Government is going to try
14 this case. Don't fall for it. Don't swallow that logic. If
15 he had caused the murder of Mr. Ramirez, he'd be under
16 indictment for it in this courtroom, and he's not. So what's
17 second best in their mind? Well, what's second best in their
18 mind is to bring on evidence that he committed acts of
19 violence. We'll do it that way. And that's why this murder
20 now is being mentioned in this courtroom. It's the
21 Government's way of coming through the back door and trying to
22 persuade you that this is a bad person.

23 **THE COURT:** Five minutes.

24 **MR. RUTER:** This is a bad guy, and, if we can't
25 indict him and convict him of murder, by golly, we're going to

1 talk about it anyways to convince you that he must have
2 threatened people, he must have forced people, he must have
3 enticed people. Please don't be fooled and tricked into that
4 kind of a back-door argument.

5 I am really sorry, folks, for the individuals who
6 have been involved in this case, all the young ladies. I feel
7 for them, and you will feel for them. There is no question
8 about that, but, once again, that's not what we're asking you
9 to focus on, and, indeed, it's our belief that the Court will
10 instruct you that would be an improper thing to focus upon.

11 The question is of whether or not these folks were
12 involved in a conspiracy with Mr. Ventura, yes or no, and then
13 did he force them, did he threaten them, yes or no? And then,
14 throughout the course of this conspiracy, did he threaten
15 people or use a handgun in furtherance of the sex-trafficking
16 crime?

17 We think the answer to those questions are "no," and
18 we think that, if you, in fact, do what you're sworn to do,
19 which is to truly try this case according to the evidence,
20 you'll find him not guilty of both charges, and, again, I'm
21 honored to be here in front of you after centuries and
22 centuries of our system working, and thank you all very much.

23 Thank you, Your Honor.

24 **THE COURT:** Thank you, Mr. Ruter.

25 Mr. Montemarano has also said he will take 15

1 minutes, so, again, your full time and attention to him. I
2 will watch the clock for you.

3 **MR. MONTEMARANO:** Thank you, Your Honor, Counsel.
4 Good afternoon, ladies and gentlemen. My name is Michael
5 Montemarano. It's my privilege to represent Kevin Fuertes.
6 He's the gentleman over there in the pale blue shirt.

7 I wish I could promise you that we saved the best
8 for last. I'm sure that we've saved the shortest for last,
9 because I'm not going to go over much of the same ground that
10 my good friend, Gerry Ruter, has. There are a few things I'd
11 like to clarify for you, give you a prism through which to
12 view the evidence in this case.

13 I say I'm privileged to represent Mr. Fuertes,
14 because, as Gerry described to you, the jury system is the
15 fundamental safeguard of citizens with regard to the
16 Government. It's the twelve of you that prevent the
17 Government from going -- as we've seen too many times in more
18 ways than we can describe, from going too far.

19 Now, this case is, I think, rather simple and
20 straightforward, and I brought three pens up here because
21 there are really three parts to the case, and you've heard
22 about them from Mr. Ruter. You've heard about them from
23 Mr. Cunningham. So let's be clear.

24 The first part is prostitution. It's a given. I
25 have no way of explaining to you how my client is arrested

1 with business cards and slips of paper with the phone numbers
2 associated with these brothels. I would have no way of
3 explaining to you a hundred, 200 condoms in his trunk. There
4 is prostitution going on.

5 That, however, ladies and gentlemen, is not a crime
6 for which you need to be concerned here today. That's a crime
7 under State law. It's not a federal crime. The simple act of
8 prostitution is not what this case is about. They have to
9 prove that prostitution is going on to get to the crimes that
10 are charged.

11 There are two crimes: Number one, interstate
12 transportation for purposes of prostitution, so you have to
13 show that there is prostitution, which they will do.

14 Next question is the interstate transport. They
15 have to associate these two gentlemen individually with the
16 act of interstate prostitution of these women -- interstate
17 transportation of these women for prostitution. That's the
18 first crime.

19 The second crime is the use of force, fraud, and
20 coercion. Those are your two other crimes. Those are the two
21 crimes you'll be thinking about when you deliberate.

22 As Judge Quarles explained to you, you are the
23 judges of the facts. They can bring in, put on the stand
24 anybody they want to. It's up to you to believe them, or not.
25 It's up to you to believe some, all, or nothing that they tell

1 you.

2 Now, it's easy to sit where you sit and think,
3 "Well, these guys must be guilty of something. They wouldn't
4 be here if they weren't." It's not my line. That was what
5 somebody told the Judge at the bench during my very first jury
6 trial in 1987, long, long time ago. I've been doing this for
7 a while, and I suggest to you, ladies and gentlemen: I've
8 never quite seen a case like this.

9 Mr. Ruter went into it. If there was a murder they
10 could link to these individuals, they'd have charged it. Now,
11 they're throwing it against the wall to see what's going to
12 stick. There will be no proof. Indeed, what the evidence
13 will show -- and they'll show it to you, and, if they don't,
14 we will -- there is an eyewitness to the murder who described
15 someone who doesn't look anything like these individuals --
16 taller, thinner, different hairstyle. Take that for what you
17 will.

18 It's easy to sit where you are and think somebody
19 has done it, because that's what we tend to do. Even I, as a
20 defense attorney for over a quarter of a century, when I read
21 the newspaper and they've arrested somebody for some terrible
22 crime, you have a reflexive thought: "Good, they got him.
23 We're all a little safer. They grabbed the guy off the
24 street," except we know that police make mistakes. Police
25 don't always get it right. You'll see that during this case

1 as well.

2 At the end of the day, ladies and gentlemen, what
3 the Government's going to have to do -- and they've already
4 started to do it, talking about exploitation and
5 degradation -- is appealing to your emotions, and that's
6 pretty easy to do.

7 When I described this case to my wife, \$15 -- excuse
8 me -- \$30 for 15 minutes, she didn't believe it. Did any of
9 you really believe that? When you first heard it, what is
10 your first thought? That can't be possible, but it is.
11 What's worse is that the girls are only getting 15 of the \$30.
12 The other \$15 goes to the brothel.

13 That sounds awful, except the flaw in that,
14 Mr. Cunningham told you about himself. You heard him say that
15 some of these women service as many as a hundred men in a
16 week. Why would a woman do that? Well, do the math, ladies
17 and gentlemen. If you're doing 60 men in a week, you're going
18 to make almost a thousand dollars. These are poor, uneducated
19 women, most of them illegal in this country. They come from
20 countries -- El Salvador, Honduras, Mexico -- where the
21 per capita annual income is measured in a few thousand
22 dollars. A thousand dollars in a week is more than you'd make
23 in months back home, which leads to the second thing
24 Mr. Cunningham told you, and you heard him say it.

25 There will be considerable evidence that many of

1 these women were involved in this voluntarily. They did it
2 with the knowledge and agreement and condemnation of their
3 boyfriends and their husbands if they had them. Does that
4 make sense? Does that sound like what you'd expect? Well,
5 it's the truth, ladies and gentlemen. Crazy? Maybe even
6 seems implausible, but it's what was happening.

7 So, when you know people are doing this voluntarily
8 and you can see the financial benefit, I'm not saying it's
9 good or it's right, but there is reasons people do terrible
10 things for money, degrade themselves for money, voluntarily
11 for money. So ask yourselves: Is it so implausible to think
12 these girls are doing this voluntarily? And, if they are,
13 then there is no force, fraud, or coercion, is there, and that
14 charge goes away. That's Count 6, I believe, in which
15 Mr. Fuertes is charged along with Mr. Ventura.

16 And then you have to look at only one other thing,
17 and that's the question of: How associated are these
18 individuals? Individuals. You have to consider them
19 separately. Judge Quarles will instruct you. When he
20 instructs you on the law at the end of the case, he will tell
21 you that you consider these as individuals. I represent
22 Mr. Fuertes. Mr. Ruter very capably will represent
23 Mr. Ventura.

24 So ask yourselves: Did Kerlin Fuertes have any
25 relationship to the transportation of women interstate, not

1 around Maryland, to other states from other states, for the
2 purpose of prostitution, because that's what the case is
3 about. It's not about prostitution. It's a terrible thing.
4 There is no question it's going on. It's almost something you
5 don't need to consider.

6 Mr. Ruter has told you what was going on. I've told
7 you what was going on. There is just no question. The
8 question is interstate transportation. The question is force,
9 fraud, and coercion. That's what the case is about, ladies
10 and gentlemen, and, sitting as the judges of the facts, as the
11 protection of any and every person against governmental
12 overreaching, it's your job to make those determinations.

13 Thank you for your time.

14 **MR. CUNNINGHAM:** Your Honor, may we approach
15 briefly?

16 **THE COURT:** Yes. Come up.

17 (Whereupon, the following discussion occurred at the
18 bench.)

19 **MR. CUNNINGHAM:** Judge, I think both counsel's
20 opening statements -- well, we didn't object to what I think
21 were largely argumentative, but they introduced -- both of
22 them introduced something which presents us with something of
23 a conundrum for which I'm asking for advice here, or not
24 advice; a ruling. Excuse me.

25 Specifically, the allegation of government

1 overreaching seems farfetched when, in fact, it may have been
2 underreaching. One, they both know that Defendant Fuertes is
3 charged with the murder, and he's facing a trial for that,
4 and, to the extent that the Government evaluated the
5 possibility of charging a crime that would have captured that
6 conduct, one, no surprise to the Court or Defense counsel that
7 that was contemplated, and, for reasons independent of -- may
8 have been included, but independent just the quality of the
9 evidence, decisions were made, but not because, you know, the
10 Government simply couldn't do something, and would suggest
11 otherwise.

12 I mean, the first witness we have is
13 Detective Hartlove, who frankly could debunk the notion that
14 nobody's holding Fuertes or, for that matter, Ventura --
15 Ventura is not off the hook. The State hasn't acted. There
16 is no statute of limitations on that crime. There may be an
17 assessment as to how Fuertes' case goes as to what they do
18 with respect to Ventura, but there is a lot more to the
19 implication of those individuals in that crime than simply the
20 fact that, for all intents and purposes, they admitted to
21 it -- not to law enforcement, but to third parties -- and --

22 **MR. MONTEMARANO:** I --

23 **MR. CUNNINGHAM:** I'm sorry.

24 **THE COURT:** He hasn't asked for a remedy yet, so why
25 don't you wait until we find out what the remedy is.

1 **MR. MONTEMARANO:** Yes, Your Honor.

2 **MR. CUNNINGHAM:** And -- well, that -- and basically,
3 Judge, what we think is that this opens the door to the
4 introduction of evidence that Fuertes, for example, has been
5 charged with the murder, that there was -- at least the Grand
6 Jury heard evidence as to the information. I mean, sort of
7 the grandstanding -- I mean, we appeased this and it -- I
8 mean, that's how it came across, that, you know, the
9 Government is trying to hang this murder on them to somehow
10 muddy the waters when, in fact, they're the ones that hung the
11 murder on themselves, or Ventura did, and, by association,
12 Fuertes. It tainted specifically because of one witness, but
13 it wasn't because the Government came in here and decided that
14 that's what we needed to do, so we think it basically went --
15 went beyond simply mentioning that was the genesis of this
16 investigation.

17 **THE COURT:** Anyone want to --

18 **MR. RUTER:** Your Honor, what my opening did was fair
19 comment, which would not have been barred at all had we
20 received a different ruling from His Honor about the
21 Government's ability to even mention the 9/13/08 --

22 **THE COURT:** Sure, it's my fault.

23 (Laughter.)

24 **MR. RUTER:** Your Honor, it's the very reason why, of
25 course, we didn't want any mention of that at all, and

1 Mr. Cunningham wasted about one minute before he launched into
2 the homicide of Mr. Ramirez, and anything that I said was a
3 fair comment based upon the fact that we now know, before he
4 even started speaking, that there was going to be some kind of
5 testimony that was going to allegedly link Ventura and Fuertes
6 with Mr. Ramirez' death.

7 **THE COURT:** Okay. Well, folks -- I thought you
8 passed to him. Do you want to say something?

9 **MR. MONTEMARANO:** Oh, absolutely.

10 **THE COURT:** Okay.

11 **MR. MONTEMARANO:** I intend to share the blame not
12 only with Your Honor, but with Mr. Ruter. Mr. Ruter's going
13 into this without objection from the Government, because, if
14 they had objected, we'd come up, and you'd say, "Don't go any
15 further down that road, Gerry." I couldn't have and wouldn't
16 have. Once Mr. Ruter had and the Government didn't object,
17 I'm obligated to make some sort of argument of that sort on
18 behalf of my client, coming last.

19 **THE COURT:** Okay.

20 **MR. MONTEMARANO:** That's the only reason I went
21 there.

22 **THE COURT:** Mr. Cunningham, to the extent that's a
23 motion, it is denied; however, I will revisit it when I see
24 how the case proceeds, okay? I'm not going to let you do it
25 on the strength of a few wild-hared comments made during their

1 opening, but I will see how they try it, and there is a
2 tipping point, and, if they reach it, then, yeah, full speed
3 ahead, including letting you recall the witnesses, if
4 necessary.

5 **MR. CUNNINGHAM:** Thank you.

6 **THE COURT:** Thank you.

7 **MR. RUTER:** Thank you, Your Honor.

8 (Whereupon, the bench conference was concluded.)

9 **THE COURT:** Call your first witness, please.

10 **MR. CUNNINGHAM:** Your Honor, the United States calls
11 Detective Jeff Hartlove.

12 May I take a moment, Your Honor? I've got to
13 assemble some evidence here.

14 **THE COURT:** Yes.

15 **MR. CUNNINGHAM:** Detective Hartlove, would you
16 please go to the witness box over there and face the courtroom
17 deputy, raise your right hand to be administered an oath.

18 **THE WITNESS:** Yes.

19 **MR. MONTEMARANO:** The Court's indulgence, please.

20 **THE CLERK:** Get yourself comfortable.

21 **THE WITNESS:** Yes.

22 **JEFFREY SCOTT HARTLOVE**

23 **WAS THEN DULY SWORN TO TELL THE TRUTH**

24 **THE CLERK:** Be seated, sir.

25 **THE WITNESS:** Thank you.

1 **THE CLERK:** You can scoot up and pull the mic down.
2 Speak directly toward it. State your name, and then spell it
3 for the record, please.

4 **THE WITNESS:** Jeffrey Scott Hartlove -- Hartlove is
5 H-A-R-T-L-O-V-E; Jeffrey is J-E-F-F-R-E-Y -- with Annapolis
6 City Police Department.

7 **DIRECT EXAMINATION**

8 **BY MR. CUNNINGHAM:**

9 Q. Good afternoon. You are, in fact, a detective with the
10 Annapolis City Police Department; are you not?

11 A. I am.

12 Q. Detective Hartlove, how long have you been with Annapolis
13 City Police?

14 A. Been with them coming up on 25 years. All of it pretty
15 much had been with Annapolis City. There was -- in '02, I did
16 switch to Anne Arundel County in April, and then returned to
17 Annapolis City in August.

18 Q. And, prior to becoming a Detective, did you serve in some
19 other capacity?

20 A. I was -- for those many years, I was mainly working
21 patrol work and -- when I first started with the police
22 department, and I did work a little bit as -- it's called the
23 COPS Unit, Community-Oriented Police Squad. So I worked in
24 the community meeting with business owners and residents and
25 trying to work together with different problems they had.

1 Q. When did you become a detective?

2 A. In 2003, when I -- or 2002, 2003, when I returned with
3 the police department, Annapolis City, from Anne Arundel
4 County.

5 Q. And generally how do your duties as a detective differ
6 from the duties you had as a routine patrol officer?

7 A. Again, patrol officers are mainly out there just taking
8 the police reports. It could be a theft report to a burglary,
9 and they're basically there to get the general information,
10 and then, as the report then is written by the patrol
11 officers, then it's forwarded to the Detective Bureau, and
12 then we work on cases from there to try to solve various cases
13 from thefts to murders.

14 Q. Let's get a little bit of background, please. What is
15 your education?

16 A. My education, again -- again, high school education, had
17 some college, went through the Baltimore City Police Academy
18 in 1988, graduated from their academy. Each year we go
19 through an in-service at the police department, and, again,
20 it's just like a refresher course on laws and, you know,
21 upcoming training and things of that sort.

22 Q. And how long is that refresher training?

23 A. It -- again, it's each -- each year, and it's three days
24 long, you know, and, throughout the years, obviously, you
25 know, attending different training. Again, I've gone to a

1 homicide school -- that was in 2007, Delaware Homicide School;
2 been to a drug school here in Baltimore City; radar school,
3 you know, things like that generally when you become police
4 and some of the training that you go through.

5 Q. And, as a detective, do you try to maintain familiarity
6 with the various different technologies and law enforcement
7 capabilities that you can avail yourself of in investigating
8 cases?

9 A. Yes, I do.

10 Q. Now, do you know the Defendants in this case,
11 German Ventura and Kevin or -- yes -- Kevin Fuertes?

12 A. Yes, I do.

13 Q. If you see Defendant Ventura, would you point to him,
14 please.

15 A. German Ventura is here in the brown shirt, waving to me.

16 Q. And how about Defendant Fuertes?

17 A. Fuertes is in the blue-striped shirt sitting next to
18 counsel.

19 Q. Now, you were, in fact, the lead investigator in a case
20 that involved these two defendants and other individuals; is
21 that correct?

22 A. That's correct.

23 Q. With respect to -- particularly with respect to
24 Mr. Fuertes, in the course of your investigation, did you
25 identify him principally by a different name?

1 A. There was several names, but there was also
2 Kerlin Fuertes.

3 Q. You're saying the last name -- sounds like you're
4 pronouncing it Fuertes. Did you know him to use or be
5 identified by the name Fuentes, spelled F-U-E-N-T-E-S?

6 A. Yes.

7 Q. And, in terms of a first name or initial name, you said
8 it was Kerlin as opposed to Kevin?

9 A. That's correct.

10 Q. Did you know of him to principally use or be identified
11 by any kind of nickname or alias?

12 A. Yes, I did.

13 Q. And what was that?

14 A. Flaco.

15 Q. Now, I don't want to embarrass you, but I need to ask
16 this question, because obviously this investigation introduced
17 you to a lot of individuals with Hispanic names; is that
18 right?

19 A. That's correct.

20 Q. And is it your experience that, on occasion, you have
21 difficulty properly pronouncing their names?

22 A. Yes, I do.

23 Q. Okay. Did you know Mr. Ventura principally by any
24 nicknames or aliases that he was known by in the community?

25 A. Yeah. Two of them that mainly stuck out was Pancho and

1 Chino, but there were others.

2 Q. Detective Hartlove, when did your or when did the
3 investigation that ultimately caused you to be investigating
4 these two defendants begin?

5 A. Again, to -- can you repeat the question? I'm sorry.

6 Q. Yes. Ultimately you had an investigation that focussed
7 on these two individuals and other people with whom they were
8 associated; is that right?

9 A. That's correct.

10 Q. And that investigation actually began at some point in
11 time. I want you to tell us when that was.

12 A. Again, it was after September 2013. In Annapolis, there
13 was a homicide investigation, and it was probably -- there was
14 an individual named Sylvia who brought two phone numbers to
15 us, and that's where it started.

16 Q. Okay. You said September of 2013.

17 A. I'm sorry. 2008. I'm sorry. Homicide occurred 2008.

18 Q. Okay. And that was on September 13th of 2008; is that
19 right?

20 A. That's correct, at 0037 hours, when the -- we were called
21 for the homicide.

22 Q. And who was it that was killed?

23 A. Mr. Ravirez (phon), a Ramirez, first name Ricardo, and he
24 has a middle name Humberto.

25 Q. And describe, please, how he was killed.

1 A. What occurred was --

2 **MR. MONTEMARANO:** Objection, Your Honor. Can we
3 approach?

4 **THE COURT:** Come up.

5 (Whereupon, the following discussion occurred at the
6 bench.)

7 **MR. MONTEMARANO:** There has been testimony that he
8 was murdered. We agreed that he was murdered, both of us in
9 our openings. The nature of the means by which he was
10 murdered, someone in the car shooting him eight times in the
11 head at pointblank range and shooting the other woman in the
12 car, relevance?

13 Most respectfully, all that is, is an attempt to
14 appeal to the emotions of the jury. The simple fact is this
15 is the whole reason for the extended colloquy with counsel
16 over the motion that we filed in the Motion *in Limine*. They
17 are trying to prove this murder as being related to these
18 individuals. That's the only reason they have to go into this
19 detail.

20 **MR. CUNNINGHAM:** First of all, Your Honor --

21 **THE REPORTER:** Right into the mic.

22 **MR. CUNNINGHAM:** -- I don't remember any comments
23 during either Defense counsel's opening statement
24 acknowledging the murder or how it was effected. I don't
25 intend to elicit testimony as to the forensics and that

1 nature, but the fact that the deceased was shot eight or so
2 times at close range with a handgun factors into that what we
3 talked about as this atmosphere and the use of this and
4 essentially embracing this murder to intimidate other people.

5 **THE COURT:** You get the last word.

6 **MR. MONTEMARANO:** Nothing further, Your Honor.

7 Thank you.

8 **THE COURT:** Okay. Overruled.

9 (Whereupon, the bench conference was concluded.)

10 **BY MR. CUNNINGHAM:**

11 Q. Detective Hartlove, please describe how Mr. Rivas was
12 murdered.

13 A. Again, Mr. Ravirez was actually operating a vehicle in
14 the area of Janwall Street, and was shot multiple times in the
15 back of the head, and, again, the vehicle traveled a little
16 bit farther, about a block or so away, and then bumped into or
17 collided into a back of a vehicle at Janwall Street and Tyler
18 Avenue.

19 Q. And did you get assigned to conduct the investigation of
20 that murder?

21 A. I did.

22 Q. In the course of your investigation, did you learn what
23 kind of business Rivas was in at the time he was murdered?

24 A. Yes, I did.

25 Q. And what was that?

1 A. He was into delivering prostitutes to houses in the
2 Annapolis area.

3 Q. Tell the jury, please: What were some of the initial
4 steps that you took in investigating his murder?

5 A. Some of the initial steps was obviously, you know,
6 searching the vehicle, searching what was on his property.
7 Some of the things we obviously located on his property was a
8 receipt that come back to Safeway. We went back and reviewed
9 those tapes and reviewed what he purchased at Safeway that
10 night that he was killed. Some of the other things we did was
11 obtained his phone information. We've obtained -- there was
12 another victim. We obtained her phone information.

13 Q. And you mentioned another victim. Was there someone else
14 in the car with him?

15 A. That's correct.

16 Q. Now, earlier you had indicated that someone came, and
17 were you able to identify that person that was in the car with
18 him?

19 A. The second victim?

20 Q. Yes.

21 A. Yes.

22 Q. And what had happened to her?

23 A. Again, she was in the front seat passenger (sic) of the
24 car, and she was shot, or there was a fragment that struck the
25 left side of her head as well as her left hand, and she stayed

1 conscious and was there on the scene when I was there.

2 Q. Now, you earlier spoke about getting some information,
3 including the phone numbers from someone. What was that
4 particular piece of information?

5 A. Again, it was Ricardo's -- came from his girlfriend,
6 Sylvia. She brought to us two phone numbers and indicated
7 that these were --

8 MR. RUTER: Objection.

9 THE COURT: Basis?

10 MR. RUTER: It's going to be hearsay, Your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: She indicated that these two numbers
13 are the person who has been threatening her boyfriend,
14 Ricardo. Those two numbers -- it was [REDACTED]-5015. The other
15 one, I believe, is [REDACTED]-1397.

16 BY MR. CUNNINGHAM:

17 Q. Now, did she identify anybody, or just provide you those
18 numbers?

19 A. She -- again, she --

20 Q. Actually, I don't want to know names. I just want to
21 know if she identified anybody, or just provided those
22 numbers?

23 A. She provided those numbers and indicated that these are
24 the persons who had threatened, or the person who has been
25 threatening her boyfriend.

1 Q. And, as to that person that was in the car with Rivas
2 when he was murdered, was that person able to identify the
3 murderer?

4 A. That person described the murderer, but wasn't able to
5 identify anyone.

6 Q. When you got these phone numbers from Sylvia, what did
7 you do with that information?

8 A. What happened, we took that phone numbers, and we logged
9 it into a law enforcement database. With that phone number,
10 the [REDACTED]-5015, that phone number actually came back to a
11 person who was recently locked up by the Annapolis Police
12 Department --

13 Q. Okay.

14 A. -- and --

15 Q. I think you're getting ahead of me here a little bit. I
16 want to take it sort of the first step. You took these
17 numbers, and you put them into your database; is that correct?

18 A. That's correct.

19 Q. At the time, did those numbers mean anything to you?

20 A. No.

21 Q. And do you know what I mean by the term "subscriber
22 information"?

23 A. Yes.

24 Q. Tell the jury what the subscriber information is.

25 A. Besides having the phone numbers, what I also did was did

1 a Court Order for both phone numbers. I went down and applied
2 for a Court Order for those subscriber information, who is
3 actually listed to those phone numbers, as well as obtained
4 some information, some data from those phones from the time
5 around the homicide.

6 Q. And, based on the subscriber information you obtained,
7 was anybody immediately identified as a suspect in the
8 investigation you were then conducting?

9 A. Through the subscriber?

10 Q. Correct.

11 A. No.

12 Q. And you started to say that, after putting these phone
13 numbers into your database, there was an incident that came up
14 that did, in fact, have some significance to your
15 investigation; is that right?

16 A. That's correct.

17 Q. And, specifically now, I want to direct your attention to
18 the 24th of September of 2008. Are you familiar with
19 investigative activity that both you and other law enforcement
20 officers from Annapolis Police Department took --

21 A. Yes.

22 Q. -- on that day?

23 A. On the 24th --

24 Q. Correct.

25 A. -- of September? Yes.

1 Q. And, in fact, in the course of your investigation in this
2 case, is it accurate that you have tried to gather any and all
3 information within the files or the data of the Annapolis
4 Police Department that may have any relevance to your
5 investigation?

6 A. Yes.

7 Q. So let's begin, first of all: Did something happen with
8 regard to Defendant Fuentes on or about the 24th of September
9 2008?

10 A. Yes.

11 Q. And what was that?

12 A. He was placed under arrest by an officer.

13 Q. And what was the identity of that officer?

14 A. Officer Mark Cochran.

15 Q. Do you know why he placed him under arrest?

16 A. Yes.

17 Q. And what was the reason for his arrest?

18 A. For driving without a license.

19 Q. How did Officer Cochran discover that he was driving,
20 operating the vehicle without a license?

21 A. Again, he did a traffic stop -- I have to look at the
22 report to refresh my memory, but he did a lawful traffic stop
23 and ran his check through MVA and discovered that he did
24 not -- Mr. Kerlin Fuentes did not have a license to drive
25 through Maryland or any other state.

1 Q. As a result of that, he placed him under arrest; is that
2 correct?

3 A. That's correct.

4 Q. Now, in the course of doing that, is it routine for an
5 officer to obtain what you would call booking information?

6 A. That's correct.

7 Q. And do you know -- well, strike that. We'll come back.

8 Actually, Officer Cochran is still employed with the
9 Annapolis Police Department, correct?

10 A. He is.

11 Q. And, in terms of the information that he gathered from
12 Defendant Fuertes, when he put it on a booking form, what
13 routinely happens to that information?

14 A. At that point, that booking information is entered into
15 a -- into our law enforcement in-house computer, and then,
16 from there, it's then dumped into a larger database for law
17 enforcement officers up and down the East Coast.

18 Q. And, as a result of that, did you learn that Fuertes had
19 been arrested on the 24th of September?

20 A. That's correct.

21 Q. And how was it that you learned that information?

22 A. Again, by coming in that day, that morning, and, again,
23 running that number and finding out that he was locked up the
24 night before.

25 Q. And, as a result of discovering that, what did you do?

1 A. At that point, again, I gathered all the reports from
2 Officer Cochran. I discovered that the vehicle that
3 Mr. Fuertes was operating was towed to a local tow company
4 called Mason's, which is at 1032 West Street. Again, I
5 gathered further information about the arrest, and then I also
6 made a call out to Mason's to see if anyone claimed the
7 vehicle as of yet.

8 Q. And were you doing this on September 25th, the day --

9 A. Yes.

10 Q. -- after he was arrested by Officer Cochran?

11 A. That's correct.

12 Q. And, upon speaking to Mason's at one -- and I don't want
13 the substance of it, but did you get some information from the
14 towing company?

15 A. Yes.

16 Q. And, as a result of getting that information, what did
17 you do?

18 A. It was -- myself and several other detectives, we left
19 the Annapolis police station, and we headed out Spa Road, and,
20 when I got to the area of Spa Road and Hilltop Lane -- it's a
21 little -- it's called Pantry One or -- yeah -- Pantry One. It
22 used to be called a Wawa store, a little convenience store. I
23 got there, again, having Kerlin Fuentes' picture,
24 arrest picture or -- from the night before. I observed him
25 out in front of the left side of the store standing with

1 another Hispanic male.

2 Q. And did you have contact with him at that time?

3 A. Yes, I did.

4 Q. Did you arrest him on that day?

5 A. Yes. He -- prior to that, and doing the research on
6 Mr. Fuertes, I discovered, again, he had outstanding warrants.

7 Q. Okay. Now, before going into some specifics, let's take
8 an overview of the investigation that you undertook in this
9 case. First of all, this began in September of 2008. When
10 was it that you, if you will, took down the investigation with
11 your final searches and arrests?

12 A. At the total end of everything?

13 Q. Yes.

14 A. It was, I would say, 2000 -- well, November 15, 2010 was
15 the --

16 Q. And, in the course of over two years of conducting the
17 investigation, did you engage in a number of different sort of
18 investigative techniques or employ different ways of getting
19 information relevant to your investigation?

20 A. Yes.

21 Q. I want you to tell the jury some of them, including --
22 well, let's start with phones. When, in this case, a phone
23 came into your possession, what typically would you do?

24 A. Again, if a phone came in our possession, we would --
25 again, if we had lawful reason to look at that data, we would

1 download the data. If we -- if we were talking with the
2 individual, we may ask for consent and fill out a consent
3 form, but we would obtain the data from those cell phones.

4 Q. And did you, throughout this more than two-year period of
5 time, search a number of different locations suspected of
6 being brothels or where sex trafficking was being conducted?

7 A. Yes.

8 Q. Tell the jury what the various locations were where
9 searches were executed.

10 A. Searches started at [REDACTED]. That was one.
11 That was in the Eastport area of Annapolis. The other
12 location was [REDACTED]. It's a --

13 Q. Excuse me. Let me just interrupt you for a second,
14 Detective Hartlove. I'm going to --

15 **MR. CUNNINGHAM:** Your Honor, if I can put Government
16 Exhibit -- this is marked Government Exhibit 30b. Your Honor,
17 if I can move it out so Detective Hartlove can see it.

18 **THE COURT:** Yes.

19 **MR. CUNNINGHAM:** And, Your Honor, may
20 Detective Hartlove actually step down and go over to --

21 **THE COURT:** Yes, he may.

22 **THE WITNESS:** Thank you.

23 **BY MR. CUNNINGHAM:**

24 Q. Detective Hartlove, if you'll go over to the map that
25 I've put up as Government Exhibit 30b.

1 Just so that you can point to them -- and let's go
2 through them quickly. You said the first location was at
3 [REDACTED]; is that right?

4 A. That's correct. That's --

5 Q. And --

6 A. -- here at this location.

7 Q. Okay. And all of these locations you're pointing to are
8 identified on the map; is that right?

9 A. That's correct.

10 Q. And this map is actually sort of a blowup of the better
11 part or the greater part of Annapolis, Maryland; is that
12 right?

13 A. That's correct.

14 Q. So, after [REDACTED], what was the next location that
15 was identified as a brothel?

16 A. Well, I would say it was [REDACTED], as well as
17 [REDACTED] -- I'm sorry. It would probably be
18 [REDACTED] first because of the phone information coming
19 back, but it was -- as well as [REDACTED].

20 Q. And then, after [REDACTED], what was the next suspected
21 brothel that was identified and searched?

22 A. Again, that would be [REDACTED]. It wasn't
23 searched, but that was suspected as well.

24 Q. And what are the other locations that are identified on
25 that map?

1 A. Again, it's [REDACTED]. That was searched and found
2 to be a brothel.

3 Q. That search took place in February of 2010?

4 A. That's correct.

5 Q. And --

6 A. [REDACTED].

7 Q. Okay. And there was one other suspected location that's
8 not plotted on that particular exhibit; is that right?

9 A. That's correct.

10 Q. I don't want you to write on the exhibit, but could you
11 point and then describe where that other location is.

12 A. Yeah. Straight down -- I don't know why that says Corey
13 Bay. It should be Bywater Road, and then it's basically right
14 across the street, this area right here near Copeland Street.
15 It's called [REDACTED]. It's a street, and it's [REDACTED]
16 [REDACTED].

17 Q. And this was an area where you -- you didn't conduct a
18 search of that location, did you?

19 A. There was no search, no; just surveillance.

20 Q. All right. If you want to return to your seat, please,
21 Detective.

22 I asked you earlier about subscriber information for
23 the two phones, and I neglected to ask you if you did get the
24 names of individuals who were associated with the numbers for
25 which you sought the information?

1 A. Yes.

2 Q. And what was the name of the individual associated with
3 the 5015 number?

4 A. Can I refresh my memory and look at the report?

5 Q. If you need to, yes.

6 (Witness reviewing document.)

7 A. The response back from the Sprint Corporation indicates
8 that phone number [REDACTED]-5015 is listed to -- I'll spell it
9 out -- D-U-L-C-E, Maria Benites Ventura of [REDACTED]
10 [REDACTED], Annapolis, Maryland, 21401. It says the number
11 was established on 9/16/2007.

12 Q. Detective Hartlove, if you'll look at the screen in front
13 of you, I'm going to show you what's marked as Government
14 Exhibit 36b. This is the first page of a document. Do you
15 recognize this as the subscriber information you received
16 regarding your request on this particular phone number?

17 A. Yes.

18 Q. All right. And, in particular, on the second page of
19 this document, does it identify the phone number for which
20 you're seeking the information?

21 A. Actually, yeah. I need --

22 Q. Let me see if I can zoom in a little better. Do you see
23 where the pen is indicating right now?

24 A. Yes.

25 Q. So this is the 5015 number?

1 A. Yes. [REDACTED]-5015.

2 Q. And, finally, on this page, do you see, again, in the
3 area where I'm pointing now, the name associated with this
4 phone number?

5 A. That's correct.

6 Q. And that's the name you just provided?

7 A. Yes.

8 Q. And I'm going to do the same thing with Government
9 Exhibit 36d.

10 **MR. CUNNINGHAM:** Excuse me a second, Your Honor.

11 I'm not sure why I can't get the full image. Well, let me try
12 to move through it quickly.

13 **BY MR. CUNNINGHAM:**

14 Q. You can see this is marked Government Exhibit 36d.

15 A. Uh-huh.

16 Q. And I'm going to go through the same -- do you see here,
17 this is for the number ending in 1397?

18 A. That's correct.

19 Q. And does this page identify the subscriber for this
20 number?

21 A. Yes. It says Dejesus Gonzalez Amparo. Amparo.

22 Q. Amparo?

23 A. Amparo. I'm sorry.

24 Q. Is that the last name?

25 A. Yes. And that's -- and the address of [REDACTED]

1 [REDACTED], 21401.

2 Q. So, by the time you got this information, had that
3 location become of significance to you in your investigation?

4 A. Yes.

5 Q. Now, the first search that I want to talk about with you
6 is a search at [REDACTED].

7 A. [REDACTED].

8 Q. I'm sorry?

9 A. [REDACTED]?

10 Q. Excuse me. [REDACTED]. This particular location was
11 searched about the same time that Defendant Fuertes was
12 arrested; is that right?

13 A. That's correct.

14 Q. Okay. And did you participate in that search?

15 A. Yes.

16 Q. I'm going to show you now first what's marked as
17 Government Exhibit 4a. Do you recognize this as an inventory
18 relevant to that search?

19 A. That's correct.

20 Q. And it identifies a number of items that were seized; is
21 that right?

22 A. That is correct.

23 Q. Okay. Government Exhibit 4b -- put it here to show the
24 exhibit label, and then remove it. Will you tell the jury
25 what this particular document is? And it's somewhat difficult

1 to see through the plastic, but will you describe for them
2 what is inside this particular evidence container?

3 A. Yes. That's a Maryland citation listed to Kerlin Fuentes
4 at Defense table.

5 Q. And do you know the date that this particular citation
6 was issued to him?

7 A. I believe it was the night before. Was it
8 Officer Cochran's?

9 Q. Okay. This is the one that Officer Cochran issued to
10 him?

11 A. Yes.

12 Q. But you found it at the [REDACTED]?

13 A. Yes.

14 Q. I'm going to go through some photographs here, and then
15 we'll address any evidence. Can you tell the jury what's
16 shown in this Exhibit 4c?

17 A. Yes. Again, this is a freezer bag full of Crown condoms,
18 which was seized from the closet area of Mr. Kerlin Fuentes'
19 bedroom.

20 Q. Do you know approximately how many how many condoms are
21 contained in that -- it looks like a freezer bag?

22 A. I -- I don't recall how many are in there.

23 Q. Okay. Government Exhibit 4d, are you able to see this
24 particular exhibit?

25 A. Yes.

1 Q. This is a photograph of something that was found in the
2 residence; is that correct?

3 A. That's correct.

4 Q. And what is that, please?

5 A. This is a size -- it's a business card. Again, it's got
6 DJ Flaco and the telephone number [REDACTED]-5015.

7 Q. And that was the number that he provided at the time he
8 was arrested?

9 A. That's correct.

10 Q. This is Government Exhibit 4e. Do you know who this
11 individual is?

12 A. He was -- he identified himself as Wilson Portillo.

13 Q. Now, was that name of any significance to you at that
14 time?

15 A. No, not at that time.

16 Q. Did you learn that, at any time, Defendant Fuertes had
17 used that name?

18 A. Yes, I did learn later on he did use that name.

19 Q. And Government Exhibit 4f, do you recognize this as a
20 document that was found at [REDACTED]?

21 A. Yes. It was in the living room area.

22 Q. Now, you don't speak Spanish, do you?

23 A. No, I do not.

24 Q. Do you know what this document is?

25 A. No, I do not.

1 Q. But you can see the name on there, Wilson Portillo?

2 A. That's correct.

3 Q. And that was the name associated with the person whose
4 picture just preceded this; is that right?

5 A. That is correct.

6 Q. I have a number of photographs that I want to show you
7 from the night of the search. Do you recognize Government
8 Exhibit 4g?

9 A. Yes.

10 Q. And I'm just going to go through these quickly and come
11 back to them. This is Government Exhibit 4h, substantially
12 the same as 4g. Do you recognize that --

13 A. Yes.

14 Q. -- photo?

15 A. Yes. That's from the living room area, [REDACTED]

16 [REDACTED].

17 Q. Government Exhibit 4i?

18 A. That's the basement of [REDACTED].

19 Q. Now, did you or any of the other officers who were with
20 you on this search move any furniture or move anything before
21 you took pictures?

22 A. No.

23 Q. Government Exhibit 4i, do you recognize what this photo
24 is?

25 A. Again, it's the nightstand next to the bed. You've got,

1 you know, rubbing alcohol and a thing of paper towels,
2 obviously some bottles of soda, some, you know, coins.

3 **THE REPORTER:** Check the exhibit number, counsel.

4 **MR. CUNNINGHAM:** Government Exhibit 4 -- I
5 apologize -- j.

6 **BY MR. CUNNINGHAM:**

7 Q. Government Exhibit 4k. Would you tell the jury, please,
8 what this photo is?

9 A. That's a photo that was taken up in the top front
10 bedroom, obviously a picture who was later identified as --
11 who we know as Rebeca Dueñas Franco, and a child -- her child.

12 Q. Government Exhibit 4l. I'm going to take Government
13 Exhibit 4l out of the sleeve. Hopefully it will be a little
14 more visible. Would you tell the jury, please, what this
15 picture depicts.

16 A. This is a picture from inside of that front bedroom,
17 which we identified from the night before to be Rebeca's
18 bedroom. It is a telephone book, and, at the top of the
19 telephone book, it states, "Pancho," and then there are two
20 numbers associated with it; again, [REDACTED] -- either 7392 or
21 1392, and then I see [REDACTED]-0903.

22 Q. Now, you mentioned something about having been there the
23 night before. Would you tell the jury about that.

24 A. Yes.

25 Q. This is at [REDACTED].

1 A. I'm sorry. That -- I said 1390. It should be 1397.

2 The night before, what happened was, is, when we had
3 consent to go back to Kerlin Fuentes' house, which is [REDACTED]
4 [REDACTED], we -- he gave us consent to go and search his
5 room, so we went out there. It was 2:30 in the morning on --
6 again, it would have been still the 26th at this point. He
7 was locked up on the 25th. We talked to him in the midnight
8 hours, and we took him back to the house, or -- I'm sorry --
9 not him, but we took the other subject that we had back to the
10 house.

11 So, when we get to the house, knocked on the door
12 several times, and then that's when Rebeca answered the door,
13 and, again, she also allowed us to look throughout the house,
14 and she also signed a consent form, and that's where those
15 items, meaning, you know, items from his bedroom, were seized,
16 being the ticket, the large bag of condoms.

17 So, at that point, you know, being 2:30, 3 o'clock
18 in the morning, we -- I gathered information, gathered
19 substance which I believed could possibly be involved in the
20 homicide as well, and seized that, or, you know, collected
21 that evidence.

22 The next -- I should -- that day, at about 5:30,
23 Detective Carraballo and I went back to the residence to do a
24 follow-up interview with Rebeca and with anybody else at the
25 house. So that's some of those other pictures that were taken

1 of Mr. Wilson -- Portillo Wilson.

2 Q. Now, at the time you were at the house, did you seize
3 like the bag of condoms or the identity document in the name
4 of -- or that document that had Wilson Portillo's name on it?

5 A. No, not at that time.

6 Q. You didn't seize it at that time?

7 Now, this particular page, Government Exhibit 41,
8 the one that has Pancho with the number, the one number -- you
9 said the 1397. Had that number already generated some
10 relevance or significance in the context of the investigation
11 you were conducting at that time?

12 A. That's correct.

13 Q. And what was it?

14 A. Again, that was the number that was provided to us by the
15 boy, or girlfriend to Ricardo and said that that was one of
16 the numbers that was threatening her boyfriend.

17 Q. There was a number -- and I'm not going to put the card
18 up, but the number on the card that said "DJ Flaco" ended in
19 5015. Again, had that number attained some significance to
20 you by that point?

21 A. Yes.

22 Q. And it had been provided by Mr. Fuertes to the police
23 when he was arrested?

24 A. That is correct.

25 Q. Had it come to your attention in any other context by

1 then?

2 **MR. MONTEMARANO:** Objection. May we approach?

3 **THE COURT:** Come up.

4 (Whereupon, the following discussion occurred at the
5 bench.)

6 **THE COURT:** Yes?

7 **MR. MONTEMARANO:** Could I please ask the Government
8 to proffer what they presume the answer to the question by
9 Detective Hartlove will be?

10 **MR. CUNNINGHAM:** Your Honor, actually, at that point
11 in time, I think that the -- he didn't have it other than as
12 had been given to the police by Defendant Fuertes. I'll move
13 on.

14 I'm sorry. Sylvia. Sylvia, yeah. The 1397 number.

15 **MS. YASSER:** And the 5015.

16 **MR. CUNNINGHAM:** And the 5015. Both of them had
17 been provided.

18 **THE COURT:** By Sylvia?

19 **MR. CUNNINGHAM:** Correct.

20 **MR. MONTEMARANO:** We would renew our objection to
21 the testimony from Sylvia. There is no way in the world this
22 detective should be permitted to testify as to what this woman
23 claimed these numbers meant, especially in light of the fact
24 that it's not her phone.

25 She didn't answer these calls. She's claiming these

1 calls are threats coming in on someone else's phone, that she
2 can identify the calls in the sense of, "Well, I remember him
3 getting a call at this date and time," because that's what
4 time the phone says, but, in terms of what the calls were
5 about, she wasn't participatory in these phone calls, so she
6 couldn't even testify to that, but how Detective Hartlove can
7 testify to it is beyond me.

8 **MR. CUNNINGHAM:** Well, Your Honor, it's not whether
9 or not the threats came from those numbers, but the fact that
10 they had significance to them in the context of this
11 investigation. That's the basis for eliciting the testimony.

12 **THE COURT:** Not offered for truth?

13 **MR. CUNNINGHAM:** No.

14 **THE COURT:** Okay.

15 **MR. MONTEMARANO:** But the detective is offering them
16 for truth that there is the threats being directed towards the
17 decedent through these phone calls. That is being offered for
18 the truth.

19 **MR. CUNNINGHAM:** Well, Your Honor, first of all, I
20 would proffer that there are other witnesses that will say
21 that there were threats by both Fuertes and Ventura to the
22 deceased, but, to come back to this, this is offered in the
23 context of his investigation for the purposes of what impact
24 it had on him, not whether it was true or not.

25 **THE COURT:** Okay. Overruled.

1 (Whereupon, the bench conference was concluded.)

2 **BY MR. CUNNINGHAM:**

3 Q. Detective Hartlove, let me repeat my question to you.

4 The numbers that you had seen, or that I asked you
5 about, 5015 and 1397, what was the significance of them in the
6 context of your investigation?

7 A. Again, that was the number provided by Sylvia, the
8 girlfriend to Mr. Ravirez, that this was the person who had
9 been threatening her --

10 Q. And was that both 5015 and 1397? Were both of those
11 numbers brought to your attention?

12 A. Yes.

13 Q. Now, I want to finally show you what's marked as
14 Government Exhibit 4n. Do you recognize this location?

15 A. Yes. This is the -- on the left is [REDACTED].

16 Q. And, in fact, this particular photograph is date/time
17 stamped March 20th of this year. Did you actually take this
18 picture?

19 A. Yes.

20 Q. Detective Hartlove, to go back to the earlier arrest of
21 Mr. Fuertes, you said at the time he was operating a car that
22 was impounded, and you called the impound lot. Did you have
23 any further activity with respect to the car?

24 A. Yes.

25 Q. And what was that?

1 A. It was approximately a month later. I contacted, again,
2 Mason's again, asked if anybody picked up the vehicle. The
3 company advised that nobody claimed the vehicle, that the
4 vehicle was about to go to a salvage yard, which means they
5 were going to get rid of the vehicle. So Detective Carraballo
6 and I went out to the vehicle to, again --

7 Q. Let me interrupt you, because you identified someone who
8 we hadn't heard about before. Who is Detective Carraballo?

9 A. Ed Carraballo, he's the detective, again, that was
10 working with the police department, and, again, he assisted in
11 a lot of the translation since he spoke fluent Spanish.

12 Q. And what happened when you went to the impound lot?

13 A. Again, going to the impound lot, we asked the attendant
14 to let us into the back as well as the keys that he had. When
15 we looked through the vehicle, just looking through the
16 outside, you could see that there was some type of handle
17 sticking out from the driver's seat. We opened up the
18 vehicle, and we recovered some items from the vehicle.

19 The item underneath the driver's seat was a large
20 machete. In the middle console, there was a camera that we
21 seized, and, in the back, there were business cards -- several
22 hundreds or so business cards that were recovered towards the
23 back seat and the middle.

24 Q. Detective Hartlove, I neglected earlier when we were
25 talking about the search: At [REDACTED], you actually did

1 seize some items that you observed when you were there; did
2 you not?

3 A. Yes. It was --

4 Q. Okay.

5 A. It was part of that --

6 Q. I've put on the overhead projector now Government
7 Exhibit 4c. These are actually the condoms that were seized
8 and depicted in the photograph; is that correct?

9 A. That is correct.

10 Q. And, in addition, I'm going to put up what's marked as
11 Government Exhibit 4m, and show both sides of this. Would you
12 tell the jury what this is.

13 A. If I could see just my writing or --

14 Q. I'm sorry. What?

15 A. If I could --

16 Q. Let me hand you the exhibit so you can look at it more
17 closely. This is Government Exhibit 4m. Do you recognize it?

18 A. This is a Sprint phone that was recovered from the
19 residence at [REDACTED]. It was in the living room.
20 It was plugged in at the time.

21 Q. And did you derive from this the number that was
22 associated with this particular telephone?

23 A. Yes. I'm sorry. It's on the package there, the [REDACTED]
24 number.

25 Q. Let me see if I can --

1 A. [REDACTED]-8938.

2 Q. Now, at the time you seized Government Exhibit 4m, was
3 that number something that had previously come to your
4 attention? Do you remember?

5 A. No, not that we recall. No, I don't recall.

6 Q. When you seized it and identified the number associated
7 with this phone, did you enter that number into your database?

8 A. I have to refresh my memory.

9 Q. Well, let me ask you generally: In the context of your
10 investigation, when you were seizing phones and gathering
11 telephone numbers from the phones or identifying numbers from
12 documents, would you plug that information into your broader
13 database of information?

14 A. Yes. I -- we would, and it's a lot of phones and a lot
15 of information --

16 Q. Okay.

17 A. -- yes.

18 Q. Now, I'm sorry. To return to the testimony about the
19 car -- and, by the way, do you remember the make and model of
20 the car that Fuertes was operating when he was arrested on
21 September 24th?

22 A. Let me refresh my memory.

23 (Witness reviewing document.)

24 Q. Detective Hartlove, we can come back to that.

25 Let me put on the overhead now Government

1 Exhibit 2a. Do you recognize this photograph?

2 A. Yes.

3 Q. And what is depicted in this photograph?

4 A. This is the photograph I took of the items that were
5 seized out of the car, again, a month or so later at Mason's
6 that was being operated by Kerlin Fuentes.

7 Q. Okay. Before going through some of the individual items,
8 it appears that there is a machete in the top of this image;
9 is that correct?

10 A. That is correct.

11 Q. And where did you find that in the car?

12 A. Again, that was underneath the driver's seat.

13 Q. And did you try to find the machete to bring it to court?

14 A. Yes.

15 Q. And what did you discover?

16 A. The property officer disposed of it.

17 Q. Okay. Now, there are a number of other items that are
18 depicted in that image. Was that sort of a collage of all the
19 items that you seized?

20 A. That's correct.

21 Q. Okay. I'm going to go through these items rather
22 quickly. Tell the jury, please, what's depicted in Government
23 Exhibit 2b/1.

24 A. Again, this was a business card that was recovered, and
25 the number was [REDACTED]-4744.

1 Q. At the time, was that number significant to you?

2 A. No.

3 Q. Did you enter that number into your database for
4 potential future reference?

5 A. Yes. And, again, at the same time, I was starting a log
6 of all these numbers myself.

7 Q. Okay. Government Exhibit 2b/2 was the exhibit, and this
8 is the exhibit. What's that?

9 A. That's, again, another business card that was in the car.
10 Again, to me, it looks to be some type of repair, televisions,
11 and the number, again, [REDACTED]-5015.

12 Q. Detective Hartlove, at the time you were -- take yourself
13 back to September of 2008. At that time, had you conducted
14 any kind of large-scale investigations of the sex-trafficking
15 business or operations?

16 A. No, not to this level.

17 Q. In the course of this investigation, did you become
18 familiar with how the sex trafficking is conducted,
19 particularly within the Hispanic community?

20 A. Yes, I did.

21 Q. And did you learn what are described as business cards?

22 A. Yes.

23 Q. And what is your understanding of what the business cards
24 were for and how they were used?

25 A. How they are used is basically -- how they were used in

1 this situation was the business cards were passed out at
2 different local convenience stores, mainly in the Hispanic
3 community. It is -- sometimes they are told that, "Hey, this
4 is, again, where you can get a girl," and sometimes you have
5 to call the number and give a certain code to find out further
6 where the girls are. Sometimes, again, on some of the
7 business cards, as you'll see, some of the addresses are
8 written down there. So, again, it's passed out to potential
9 customers that that's where they could find the victims of
10 prostitution.

11 Q. Okay. I'm also going to show you now Government
12 Exhibit 2b/3, also from the car, and are these additional
13 cards that you found in the vehicle?

14 A. That is correct.

15 Q. And --

16 **THE COURT:** Is this a convenient stopping point,
17 Mr. Cunningham?

18 **MR. CUNNINGHAM:** Yes, sir.

19 **THE COURT:** Thank you.

20 (Witness excused pending further examination.)

21 **THE COURT:** Members of the jury, we've reached the
22 end of the first trial day. Please remember: Don't discuss
23 the case among yourselves or with anyone else. Don't talk to
24 anyone or let anyone talk to you about the case. Don't
25 receive or send electronic communications about the case.

1 Avoid all outside information from the Internet or other
2 sources.

3 Please be in your jury room tomorrow morning at
4 about 9:25 so that we can get started at 9:30. Good night,
5 ladies and gentlemen. You may leave your note pads in or
6 under your chairs.

7 **THE CLERK:** All rise. This Honorable Court stands
8 in recess until tomorrow morning.

9 (Jury excused.)

10 **THE COURT:** Good night, counsel.

11 **MR. RUTER:** Good night.

12 **THE WITNESS:** Good night.

13 (Proceedings adjourned.)
14

15 I, Martin J. Giordano, Registered Merit Reporter and Certified
16 Realtime Reporter, certify that the foregoing is a correct
17 transcript from the record of proceedings in the
18 above-entitled matter.

19
20 _____
21 Martin J. Giordano, RMR, CRR

Date

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